SENATE—*Thursday, October 15, 1998*

(Legislative day of Friday, October 2, 1998)

The Senate met at 12 noon, on the expiration of the recess, and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Gracious God, You provide strength in our struggles and courage for contentious days of conflict. We thank You for consensus out of conflict and creative decisions out of discord. In the midst of the concluding discussion and debate over crucial issues in the completion of the budget, we need Your divine intervention and inspiration. Overcome party spirit; make us party to Your Spirit. Give the Senators strength to communicate with mutual respect and without rancor. Keep them focused more on winning what is best for our Nation, than defeating political opponents. May the motivation of brave patriotism overcome the manipulation of bartered partisanship. The time for greatness is now; the place for greatness is here. Grant it, Father. Through our Lord and Savior. Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The able majority leader, Senator LOTT of Mississippi, is recognized.

Mr. LOTT. Thank you very much, Mr. President.

THE CHAPLAIN'S PRAYER

Mr. LOTT. I thank the Chaplain again for his prayer. Over the past few days, as we have tried to negotiate in good faith, it has been so important we try to maintain respect for each other. Yesterday morning I had reached the point where I had lost that. But I referred to the Chaplain's book "One Quiet Moment," and there was a passage in there, I believe from Proverbs, that said you must respect your fellow human beings. And I thought about that, and I thought from the unborn child in late term, they have a right to respect for human life, or a young man in Wyoming who is killed, for whatever horrible motives, they have a right to respect, and also for strong action against those who caused this problem. So the admonition to negotiate in good faith and have respect for each other has certainly been a source of strength to me during the last 48 hours.

SCHEDULE

Mr. LOTT. Mr. President, the Senate will begin a period of morning business until 1 p.m. Following morning business, we may consider any legislation that can be cleared by unanimous consent.

OMNIBUS APPROPRIATIONS NEGOTIATIONS

Mr. LOTT. Mr. President, negotiations are still ongoing with respect to the omnibus appropriations bill, but I think I can say that it is in its very final stages, and we should have a final conclusion before 2 o'clock so that all of the drafting can be carried out. I emphasize, though, there are a few minor issues that have not been finally cleared, and there are a couple of big issues that are still being debated about exactly what the effective date would be, for instance, with regard to the census issue.

I think it is a very important issue. The census is in the Constitution. And the Constitution says that the census shall be taken by enumeration; that means count, head count. No amount of modern manipulation or technology can replace what the Constitution says. Twice Federal courts have ruled 3–0 that the census must be done by enumeration.

But rather than fight this out on and on and on, I think the logical order to do business is, let the Supreme Court rule, which they will do in March, and then we will proceed from there. That issue has not been finally resolved, but it will be in the next couple of hours, and then every Senator and House Member will have an opportunity to ask questions, to look at the language.

There are hundreds—thousands—of issues that are in this legislation. But the legislation will be available. There will be staff and Senators and Congressmen who have been involved, who can answer questions about things as varied as education and agriculture and defense and the drug war and missile defense. It is all in this bill.

I must say that while there are some great disappointments on my part about what is not in the bill and some disappointments about some things that are in the bill, on balance this is going to be good for America. I had a question a moment ago about who is the winner and who is the loser. The only question should be: Is America the winner? Are our children going to be better off, safer? Will there be a greater effort to fight the scourge of drugs in our schools and in our society? The answer is yes.

We will have a stronger defense. For the first time since 1985, we have stopped the free-fall in spending for the necessary readiness and equipment for our men and women in uniform. We added some $9 billion in this legislation for the drug war, for defense of our country, for intelligence, and for missile defense.

We also agreed to $690 million for a greater effort in the drug area. We did agree to the President's request for more funds for education. A lot of time has been spent this year in the education area, and we have made some progress. We have a better higher education bill. We are going to have a stronger vocational education bill. And that is an area where I think we should put a lot more emphasis.

We did improve on some of the programs connected to Head Start, and we are going to have more teachers in our schools in America, smaller class sizes. But the decision of how it is going to be done will be made at the local level in the individual school districts; it will not be dictated by and run by bureaucrats here in Washington, DC. So I think that was a significant achievement on both sides of the issue.

I will not go down the list of all the areas in this bill, but when you look at them all and you consider what we have done and what this can lead to next year, I think it is progress, and I hope the Members will believe that they can support it.

There will be time for Members to review its content. If a rollcall is requested, it is expected to occur at either 10 o'clock in the morning on Friday or 5 o'clock in the afternoon, to accommodate the maximum number of Senators and give them time to review the language that is included in the final agreement. Certainly, we will make Members aware of any specific time for votes, if necessary. I will be consulting with Senator DASCHLE on that.

I thank my colleagues for their attention and for their cooperation throughout the year.

I do have a number of issues that we would like to do in terms of some tributes and resolutions on travel and other issues. So I would like to do that now.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

ORDER FOR PRINTING OF INDIVIDUAL SENATE DOCUMENTS

Mr. LOTT. Mr. President, I ask unanimous consent that there be printed as individual Senate documents a compilation of materials from the CONGRESSIONAL RECORD in tribute to Senators DAN COATS of Indiana, DIRK KEMPTHORNE of Idaho, DALE BUMPERS of Arkansas, WENDELL FORD of Kentucky, and JOHN GLENN of Ohio.

The PRESIDING OFFICER (Mr. CRAIG). Without objection, it is so ordered.

Mr. LOTT. These clearly are five great Senators who have served their States and their country so well. And I am sure they will continue to do so, albeit in a different arena. Of course, I have said here, DAN COATS has been one of my closest friends for the past 20 years. I will miss him here but I will be with him in other areas.

And, of course, JOHN GLENN makes history once again flying off into space. And many Senators and their spouses will be there to see that event.

ELECTION OF SERGEANT AT ARMS AND DOORKEEPER OF THE SENATE

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 300, which is at the desk, and I ask that the resolution be read.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 300) electing James W. Ziglar, of Mississippi, as the Sergeant at Arms and Doorkeeper of the Senate.

Resolved, That James W. Ziglar, of Mississippi, be, and he is hereby, elected Sergeant at Arms and Doorkeeper of the Senate effective November 9, 1998.

There being no objection, the Senate proceeded to consider the resolution.

Mr. LOTT. I ask unanimous consent that the resolution be agreed to and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 300) was agreed to.

RULE XXXIX AUTHORIZATION

Mr. LOTT. I ask unanimous consent that the Senate now proceed to Senate Resolution 301, introduced earlier today.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 301) relative to Rule XXXIX.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. LOTT. I ask unanimous consent the resolution be agreed to and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 301) was agreed to as follows:

S. RES. 301

Resolved, That if a Member who is precluded from foreign travel by the provisions of Rule 39 is appointed as a delegate to an official conference to be attended by Members of the Senate, then the appointment of that individual shall constitute an authorization by the Senate and the individual will not be deemed in violation of Rule 39.

SEC. 2. This resolution shall be applicable only until November 21, 1998.

RULE XXXIII AUTHORIZATION

Mr. LOTT. I ask unanimous consent that the Senate now proceed to Senate Resolution 302, introduced earlier today.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 302) relative to Rule XXXIII.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. BYRD. Mr. President, reserving the right to object—I don't have any intention of objecting—what are these two changes in 33 and 39?

Mr. LOTT. Mr. President, Rule XXXIX is with regard to foreign travel by Members. Senator BUMPERS will be going with a Codel and we had to have special permission for that to occur.

I am very anxious to advise Senator BYRD regarding Rule XXXIII. The purpose is to provide for a video presentation of Senator BYRD on the operation of the Senate during orientation. We think it would be very useful for our Members who may not be able to attend orientation, for review later. We think it would also be useful for students of this institution.

Mr. BYRD. I thank the distinguished majority leader.

Mr. LOTT. Mr. President, I ask unanimous consent the resolution be agreed to and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 302) was agreed to as follows:

S. RES. 302

Resolved, That, notwithstanding the provisions of Rule XXXIII, the Senate authorizes the videotaping of the address by the Senator from West Virginia (Mr. Byrd) to the incoming Senators scheduled to be given in the Senate Chamber in December 1998.

AUTHORIZATION OF RECESS APPOINTMENTS

Mr. LOTT. I ask unanimous consent that the Senate now proceed to Senate Resolution 303, introduced earlier today.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 303) authorizing the President of the Senate, the President of the Senate pro tempore, and the Majority and Minority Leaders to make certain appointments during the recess of the present session.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. LOTT. I ask unanimous consent that the resolution be agreed to and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 303) was agreed to as follows:

S. RES. 303

Resolved, That during the recess of the present session of the Senate, the President of the Senate, the President of the Senate pro tempore, the Majority Leader of the Senate, and the Minority Leader of the Senate be, and they are hereby, authorized to make appointments to commissions, committees, boards, conferences, or interparliamentary conferences authorized by law, by concurrent action of the two Houses, or by order of the Senate.

Mr. LOTT. I might say to Senators who are in the Chamber, and others who may be watching, ordinarily much of this is done at the very last minute of the session. I thought that some of it could be done this morning. I thought we would start our wrap-up work now. I think that is appropriate. We get, frankly, more attention, and it also will help conclude sooner tomorrow.

THANKS OF THE SENATE TO THE VICE PRESIDENT

Mr. LOTT. I ask unanimous consent that the Senate now proceed to Senate Resolution 304, introduced earlier today.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 304) tendering the thanks of the Senate to the Vice President for the courteous, dignified, and impartial manner in which he has presided over the deliberations of the Senate.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. LOTT. I ask unanimous consent that the resolution be agreed to and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 304) was agreed to as follows:

S. RES. 304

Resolved, That the thanks of the Senate are hereby tendered to the Honorable Al Gore, Vice President of the United States and President of the Senate, for the courteous, dignified, and impartial manner in which he has presided over its deliberations during the second session of the One Hundred Fifth Congress.

THANKS OF THE SENATE TO THE PRESIDENT PRO TEMPORE

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate now proceed to Senate Resolution 305, introduced earlier today.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 305) tendering the thanks of the Senate to the President pro tempore for the courteous, dignified, and impartial manner in which he has presided over the deliberations of the Senate.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. LOTT. Mr. President, I ask unanimous consent that the resolution be agreed to and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 305) was agreed to as follows:

S. RES. 305

Resolved, That the thanks of the Senate are hereby tendered to the Honorable Strom Thurmond, President pro tempore of the Senate, for the courteous, dignified, and impartial manner in which he has presided over its deliberations during the second session of the One Hundred Fifth Congress.

Mr. LOTT. Mr. President, I want to add one note. I have never seen a more diligent Senator than Senator THURMOND has been in opening the Senate. He and Senator BYRD are living institutions. They have reverence for this institution. Many times, Senator THURMOND had been up late, had committee hearings, had been involved in moving the Thurmond bill, which was the armed services authorization bill, and had worked well into the night for a year. But when the Senate would open at 8:30, 9 o'clock, or 9:30, he was in the Chair and always very kind to our Chaplain. That exemplifies what the Senate should really be like. So I add my special appreciation to the President pro tempore.

Mr. President, I yield the floor.

MORNING BUSINESS

The PRESIDING OFFICER (Mr. MACK). Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 1 p.m., with Senators permitted to speak therein for up to 5 minutes each.

Mr. GREGG. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CRAIG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CRAIG. Mr. President, I assume we remain in morning business until 1 o'clock; is that correct?

The PRESIDING OFFICER. That's correct.

AGRICULTURAL CRISIS

Mr. CRAIG. Mr. President, we have just heard the Republican majority leader outline in brief the negotiations between the White House and the Congress as it relates to a final package of fiscal affairs for this Government for the coming year.

Over the course of the last several days, I have had the opportunity to attend a variety of those negotiations, and on occasion, based on my certain areas of knowledge, to be consulted as to what directions we might head.

I thought for a few moments this morning I would discuss briefly the agricultural package, because it is one of those major areas of concern and dispute for a period of time up until late last evening—that, of course, and the educational package that most of our colleagues are now becoming aware of.

While the final language on the agricultural package is being put together, there are some fundamental principles we adhered to that I think are important for our colleagues to understand when they begin to examine this package for their final consideration of it tomorrow.

First and foremost, it is important to recognize that this Republican Congress back in May and June began to recognize the very critical situation that American agriculture was in and the character of the decline in commodity prices that was evident out there, along with loss of foreign markets, that was producing what I consistently called on the floor of this Senate and across my State of Idaho an "agricultural crisis."

It was in late June that I, along with six other Senators and the majority leader, sat down with about 15 commodity group representatives in this community, representing national agricultural commodity groups, to examine the crisis from their perspective and to look at a variety of things that we might do here within current policy and current budget constraints to deal with the crisis, recognizing that if we weren't responsive, we would see many of our farmers on the edge of bankruptcy, and potentially by next crop season they would be out of production. That is not good for America. It is not good for our economic base or for the food-consuming public.

Fewer farmers mean larger farmers, usually, or fewer farmers with larger acreages. And in many instances what we find is large corporations buying up smaller production units that find themselves in bankruptcy.

Consistently we have looked at farm policy recognizing the need to keep farm families intact and a production unit in American agriculture that was sympathetic to the American farm family. So it was with that spirit in mind that we met with these commodity groups and came up with a list of items that we would attempt to be responsive to.

First and foremost in the general discussion with that commodity group was to keep the current farm policy in place, keep the 1996 farm bill, better known as Freedom to Farm, in place. It is working. It gives farmers greater flexibility to decide what to farm, what to grow, and how to deal with market trends. It does so with less Government interference, less opportunity to farm to a Government program instead of farm to what the market is demanding, what the consuming market is demanding. That became a premise of operation for us here in the Senate—that we would not violate or attempt to go in and offer dramatic changes to farm policy.

Immediately before the August recess, we responded by reaching out and putting more of what we call the AMFTA payments into this year's current payment to bump up some money that would go directly back to that farmer and to that production unit.

Most of us, of course, in August visited our farmers, and we came back clearly with the understanding that we were in a crisis, that the commodity prices were at a 20-year low, many times below the cost of production, and that the loss of Asian markets, the loss of markets in Central and South America, was also driving this decline in commodity prices.

There was also a large influx of product coming in from Canada, which was part of a program of opening the borders for the North American Free Trade Agreement. And we had to be sensitive to that.

But, most importantly, what our farmers were telling us, along with the decline in commodity prices, was that when we had put the 1996 farm policy in place, we had also said at that time there would be other things we would have to do. We would have to review trade policy. We would have to look at the cold war policy coming out of World War II that put sanctions on a variety of countries and basically took 13 to 20 percent of the world market out of reach of production agriculture by one or another sanctions that were built up as a product of foreign policy

statements and/or policy laws in this country that we had to review.

Most immediate, when we came back in August, was the need to deal with the inability to trade with Pakistan and India based on the confrontation they were having and the nuclear tests they were engaged in, which was a direct violation of the nuclear test ban and, of course, the provisions we had put in there that would disallow us trading with or dealing with countries that were in violation. We were able to strike those two sanctions down immediately, which then in a near immediate sense put in play major sales of soft white wheat out of the Pacific Northwest. Those sales have gone forward, and they have been very helpful to production agriculture nationwide.

We also said—and Chairman LUGAR, chairman of the Senate Agriculture Committee, said—we have to look at the overall need to review sanctions, the attempted sanctions legislation. There were some modifications in it, but it was not complete. He knows it; we know it.

One of our jobs coming back next year will be to take a serious look at the post-World War II era sanctions that have taken a large chunk of the world market away from our farmers, because in Freedom to Farm we said: You are going to be free to farm, and we are going to use the political clout, the governmental clout, of your country to open up these world markets to assist you. And we would look at another provision.

That is the very provision that the negotiations moved toward in the past several days. That was a tax component—a tax provision that said to production units: You are cyclical by nature. By that I mean, 1-year commodity prices are at an all-time high and the next year they are at an all-time low. Those who have ever farmed—and I farmed during my other life as a private citizen—know that very well, that some years you make money and in other years you lose a lot of money. It is simply because of oversupply and then undersupply of certain commodities within the market.

As a result, we had historically said, up to 1986, that tax laws should reflect that you ought to be able to reach back and pull forward some of those losses into a crop year where there are high profits; you ought to be able to income average those kinds of things out. In 1986 we took that out—or I should say a Democrat Congress took that out—of the tax policy of that year, in my opinion badly handicapping and creating long-term injury to production agriculture. Last year we did some tentative work in that area putting income averaging back.

But the package that our colleagues will have a chance to review tonight and tomorrow as a final work product of this Congress will have made permanent the permanent income average, which is a key component to agriculture. Someone on the other side suggested to us that doesn't solve the immediate problem. No, it doesn't. But we put $5.97 billion in to solve the immediate problem directly flowing through to production agriculture. But what we have to look at is the long-term character that we had promised production agriculture when we changed the farm bill. And we do that—permanent income averaging, a 5-year carryback provision allowing farmers to account for, as I expressed a moment ago, the cyclical character or future of production agriculture.

Then we went in and did some technical corrections to IRS tax laws, because, for example, when a farmer is guaranteed a Government payment but the payment doesn't come until a certain time, the Government wants to tax you on the payment at the moment that you are eligible for it. We say no; that payment should occur at that time.

The bill that is being reviewed now also recognizes the kind of drought that your State of Florida had, Mr. President, and Texas and other parts of the southeastern part of the United States, Georgia. And there are $3 billion in there to deal with economic disasters. That will be critically important.

Between the payments that were scheduled in the Freedom to Farm 1996 farm policy, along with recognizing the crisis created by loss of foreign markets and the typical natural cycling of our environment and our weather, we are going to recognize all of that.

I will conclude by saying this. We preserve current farm policy because American agriculture told us they needed that to happen for the flexibility of future years. We have also kept some promises that we made in 1996, to begin to look at sanctions and to free up opportunity in world markets. And also, most important, the third passage dealt with tax—tax law flexibility, so that that production unit, that farmer or rancher, can deal with the cyclical character of his or her markets on good years versus bad years. So they pay their fair share in taxes but they do not pay taxes one year on substantial profits and then the next year have tremendous losses that put them in a bind.

They used to understand that. That is the way the law used to be. With that flexibility, you kind of store it up in the good years to offset your needs in the bad years. That is the way agriculture ought to operate, and that is the way our tax laws ought to allow them to operate.

I thought I would give that synopsis of what we are doing and what I think is important for our taxpayers to understand. Keeping this tremendous production unit in our country—known as agriculture—healthy and producing is of critical importance to our country. The American consumers today pay less for food than any other item they buy. As a result of that, our consuming public has more spendable income to buy cars, to buy homes, to provide for their children's education. They are not paying 30 percent or 40 percent or 50 percent or 60 percent of their income for food. They are paying 13 to 14 percent, for the highest quality, safest, richest foods in the world. That is a result of this marvelous production unit we call American agriculture.

I am proud that this Republican Congress, working with our colleagues on the other side, represented that understanding in the current policy that is embodied in this omnibus bill with which we will be dealing. It is an important area. I am glad our leaders were sensitive to it and that we can turn to agriculture and say: We didn't save you, we didn't guarantee you, but we recognize the need to shore up, in those areas of disaster, and to assure that those units of production—and those are family farms; these are people, men and women and their children who oftentimes work from daylight to dark—are going to be held as whole as we can possibly keep them at a time when farm commodities, because of certain situations here and around the world, have plummeted to nearly 25- and 30-year lows.

Mr. President, let me run through a few unanimous consent requests cleared by both sides of the aisle.

ACTIVITIES OF THE MICCOSUKEE TRIBE

Mr. CRAIG. I ask unanimous consent the Senate proceed to the immediate consideration of H.R. 3055, which is at the desk.

The PRESIDING OFFICER. Without objection, the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 3055) to deem the activities of the Miccosukee Tribe on the Miccosukee Reserved Area to be consistent with the purposes of the Everglades National Park, and for other purposes.

The Senate proceeded to consider the bill.

Mr. GRAHAM. Today I join my colleague Senator MACK in supporting the right of the Miccosukee Tribe of Indians of Florida to reside in Everglades National Park.

Mr. MACK. I thank the Senator and feel that although the acreage provided to the Miccosukee in this legislation is far less than their historic territory within the Everglades, it does satisfy their right to reside within Everglades National Park.

Mr. GRAHAM. It is also my understanding that by giving the Miccosukee Tribe this opportunity to build a community within Everglades National Park we are fully resolving their claims to land within the park.

Mr. MACK. Yes. Also, it is expected that Miccosukee Tribe is granted the right to occupy, reside in, and govern in perpetuity the Miccosukee Reserved Area in Everglades National Park. I am pleased that this legislation will resolve the dispute between the Park Service and the Miccosukee Tribe over lands within the park.

Mr. GRAHAM. I am pleased to join the Senator in supporting the continued residence of the Miccosukee Tribe of Indians of Florida in Everglades National Park.

Mr. CRAIG. Mr. President, I ask unanimous consent the bill be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 3055) was considered read the third time and passed.

PUBLIC SAFETY OFFICERS EDUCATIONAL ASSISTANCE ACT OF 1998

Mr. CRAIG. Mr. President, I ask the Chair lay before the Senate a message from the House of Representatives on the bill (S. 1525) to provide financial assistance for higher education to the dependents of Federal, State, and local public safety officers who are killed or permanently and totally disabled as the result of a traumatic injury sustained in the line of duty.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the bill from the Senate (S. 1525) entitled "An Act to provide financial assistance for higher education to the dependents of Federal, State, and local public safety officers who are killed or permanently and totally disabled as the result of a traumatic injury sustained in the line of duty", do pass with the following amendment:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Police, Fire, and Emergency Officers Educational Assistance Act of 1998".

SEC. 2. FINANCIAL ASSISTANCE FOR HIGHER EDUCATION TO DEPENDENTS OF PUBLIC SAFETY OFFICERS KILLED OR PERMANENTLY AND TOTALLY DISABLED IN THE LINE OF DUTY.

Part L of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796 et seq.) is amended—

*(1) in the heading for subpart 2, by striking "**Civilian Federal Law Enforcement**" and inserting "**Public Safety**";*

(2) in section 1211(1), by striking "civilian Federal law enforcement" and inserting "public safety";

(3) in section 1212(a)—

(A) in paragraph (1)(A), by striking "Federal law enforcement" and inserting "public safety";

(B) in paragraph (2), by striking "Financial" and inserting the following: "Except as provided in paragraph (3), financial"; and

(C) by adding at the end the following:

"(3) The financial assistance referred to in paragraph (2) shall be reduced by the sum of—

"(A) the amount of educational assistance benefits from other Federal, State, or local governmental sources to which the eligible dependent would otherwise be entitled to receive; and

"(B) the amount, if any, determined under section 1214(b).";

(4) in section 1214—

(A) by inserting "(a) IN GENERAL.—" before "The"; and

(B) by adding at the end the following:

"(b) SLIDING SCALE.—Notwithstanding section 1213(b), the Attorney General shall issue regulations regarding the use of a sliding scale based on financial need to ensure that an eligible dependent who is in financial need receives priority in receiving funds under this subpart.";

(5) in section 1216(a), by inserting "and each dependent of a public safety officer killed in the line of duty on or after October 1, 1997," after "1992,"; and

(6) in section 1217—

(A) by striking paragraph (2); and

(B) by redesignating paragraphs (3) and (4) as paragraphs (2) and (3), respectively.

Mr. CRAIG. I ask unanimous consent the Senate agree to the amendment of the House-passed bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Mr. President, I was proud to cosponsor the Federal Law Enforcement Dependents Assistance Act of 1996 and am again proud to cosponsor this bill, S. 1525, the Public Safety Officers Educational Benefits Assistance Act of 1998. I am delighted that the Senate is finally sending this important bill to the President's desk for his signature into law.

Our legislation extends the educational benefits that we previously provided to the children of federal law enforcement to the families of State and local public safety officials who die or are disabled in the line of duty. Those families make the ultimate sacrifice for our public safety and deserve our support and assistance. I commend Senator SPECTER and Senator BIDEN and all the cosponsors for their work on these measures.

The Federal Law Enforcement Dependents Assistance Act of 1996, known as the Degan Act after U.S. Deputy Marshall Bill Degan, who died in the Ruby Ridge incident in 1992, provides Federal educational assistance to families of Federal law enforcement officers killed in the line of duty. It is proper that we expand this educational assistance to the families of state and local law enforcement officers because most law enforcement needs are met at the state and local level. I would have preferred to send the President the original text of our legislation since it provided full assistance to these families, but the House of Representatives decided to impose a sliding scale means test to our bill.

This past May, I called for Congress to pass this legislation during National Police Week and the annual memorial activities for law enforcement officers. I believe it would have been a fitting tribute to those who gave their lives in preserving our public safety for Congress to enact the Public Safety Officers Educational Benefits Assistance Act, S. 1525; the Care for Police Survivors Act of 1998, S. 1985; and the Bulletproof Vest Partnership Act of 1998, S. 1605. Fortunately, President Clinton signed the Bulletproof Vests Partnership Act and the Care for Police Survivors Act into law on June 16, 1998 and now he will have the opportunity to sign into law this third piece of legislation. Together these measures make a significant package of legislation to benefit the families of those who serve in law enforcement.

The unfortunate reality of contemporary life is that we may still lose upwards of 100 law enforcement officers a year nationwide. I wish there were none and I will keep working to improve the assistance and support we provide our law enforcement officers. For those families that sacrifice a loved one in the line of duty I support the college education assistance that will be made possible by the Public Safety Officers Educational Benefits Assistance Act. I look forward to the President signing this important legislation into law.

AMENDING THE ORGANIC ACT OF GUAM

Mr. CRAIG. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of H.R. 2370, which is at the desk.

The PRESIDING OFFICER. Without objection, the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 2370) to amend the Organic Act of Guam to clarify local executive and legislative provisions in such Act, and for other purposes.

The Senate proceeded to consider the bill.

Mr. CRAIG. Mr. President, I ask unanimous consent the bill be considered read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 2370) was considered read the third time, and passed.

INTERNATIONAL CRIME AND ANTI-TERRORISM AMENDMENTS OF 1998

Mr. CRAIG. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of Calendar No. 677, S. 2539.

The PRESIDING OFFICER. Without objection, the clerk will report.

The legislative clerk read as follows:

A bill (S. 2539) to protect the safety of United States nationals and the interests of the United States at home and abroad, to improve global cooperation and responsiveness to international crime and terrorism, and to more effectively deter international crime and acts of violence.

The Senate proceeded to consider the bill.

Mr. HATCH. Mr. President, after months of review and careful Committee action, I am proud that the full Senate is poised to approve the International Crime and Anti-Terrorism Amendments of 1998. Along with Senators LEAHY, BIDEN, and others, the Senate Judiciary Committee has undertaken a careful review of the ambitious and expansive international crime package developed by the administration and introduced by President Clinton on May 12. This proposal took the best ideas developed by the Department of Justice, the Customs Service, the Treasury Department, and other federal agencies involved in the fight against international crime.

Senator LEAHY and I have worked with the Department to winnow the bill down to 17 sections which are generally noncontroversial but would provide valuable assistance in the fight against international crime, terrorism, and drug trafficking. Potentially controversial sections have been shelved in an effort to broaden support for the legislation, and Senator LEAHY supports each of the remaining 17 sections. I hope that next Congress we can undertake a broad review of these issues and confront the more difficult provisions which have been placed aside for the moment.

It is clear that the world has become a smaller place, with faster transportation and communication, loosening of borders, and great leaps in transnational economic activity. But as these changes have benefited law-abiding citizens, they have also made it easier for criminals to spread their misery and destruction throughout the globe. Whether we talking about drug cartels, arms smugglers, terrorists, or those involved in economic espionage, international crime is an increasing threat to our national security and well-being.

This legislation should not be seen as a comprehensive response to these problems, but rather as a package of moderate technical responses to weaknesses in current law that would make a real difference in the fight against international crime. Our proposal, among other things, improves federal laws which regulate the jurisdiction of law enforcement, allows exclusion of violent criminals, determines how our legal system deals with foreign defendants and records, and responds to emerging computer and financial crimes.

On a title-by-title basis, the bill does the following:

TITLE I—INVESTIGATING AND PUNISHING VIOLENT CRIMES AGAINST U.S. NATIONALS ABOARD

101 Extend investigative authority to cover crimes committed against U.S. nationals abroad by organized criminal groups

102 Allow federal authorities to investigate murder and attempted murder of state and local officials

TITLE II—STRENGTHENING THE BORDERS OF THE UNITED STATES

201 Strengthen law enforcement authority to board ships

TITLE III—DENYING SAFE HAVEN TO INTERNATIONAL CRIMINALS AND ENHANCING NATIONAL SECURITY RESPONSES

301 Allow exclusion from U.S. of persons fleeing lawful, non-political prosecution

302–04 Allow exclusion of persons from U.S. involved in RICO offenses, arms trafficking, drug trafficking, or alien smuggling from U.S., with waiver authority to Attorney General

305 Forfeiture of proceeds of foreign crimes held in U.S.

306 Expand administrative summons authority under Bank Secrecy Act

307 Increase monetary penalties for violations of International Emergency Economic Powers Act

308 Add attempt crime to Trading with the Enemy Act

TITLE IV—RESPONDING TO EMERGING INTERNATIONAL CRIME THREATS

501 Expand wiretap authority to cover computer fraud and hackers

502 Expand extraterritorial jurisdiction to cover credit card, ATM, and other electronic frauds with can cause harm in U.S.

TITLE V—PROMOTING GLOBAL COOPERATION IN THE FIGHT AGAINST INTERNATIONAL CRIME

601 Authority to share proceeds from joint forfeiture actions with cooperating foreign agencies

602 Changes in procedures for MLAT's (mutual legal assistance treaties)

TITLE VI—STREAMLINING THE INVESTIGATION AND PROSECUTION OF INTERNATIONAL CRIMES IN U.S. COURTS

701 Allow Attorney General to reimburse state and local governments for costs incurred in assisting extraditions

702 Change Federal Rules of Evidence to ease admission of foreign records

703 Bar foreign fugitives from receiving credit for time served abroad

I appreciate the Senate's quick action on this necessary legislation, and I urge the House to pass this bill before we adjourn.

Following my statement is a detailed section-by-section analysis of the legislation.

INTERNATIONAL CRIME AND ANTI-TERRORISM AMENDMENTS OF 1998

TITLE I—INVESTIGATING AND PUNISHING VIOLENT CRIMES AGAINST U.S. NATIONALS ABROAD

Section 101. Murder and extortion against U.S. nationals abroad in furtherance of organized crime (old section 1001)

This section provides additional discretionary authority for investigations and prosecutions of organized crime groups who perpetrate criminal acts against U.S. nationals abroad. With the expanded role of Federal law enforcement, specifically the Federal Bureau of Investigations, in the investigation of international organized criminal groups, additional legislation is needed to counteract crimes occurring abroad. Statutes now in effect are narrow and generally address these kinds of issues only when they are related to international terrorism matters. This provisions broadens the scope of other current statutes so that they can be of assistance in targeting violent criminal acts committed against U.S. nationals by members of organized criminal groups. The same safeguards are required that have been established in statutes relating to international terrorism, *i.e.*, such a prosecution cannot be brought without the approval of the Attorney General, the Deputy Attorney General, or an Assistant Attorney General. In subsection (g), the statute places a monetary limitation in extortion cases, and defines an organized criminal group by reference to the RICO statute. These limitations have been included to preclude any expectation that the United States will devote resources to investigate and prosecute cases which are or primarily local (versus international) impact or those which the foreign nation is adequately addressing.

Section 102. Murder and serious assault of a state or local official abroad (old section 1002)

This section provides additional discretionary authority to investigate and prosecute murders and serious assaults of State and local Officials that occur abroad when the State and local officials are involved in a federally-sponsored training or assistance program. As the United States expands its efforts to fight international crime and bring peace and stability to nations the world over, the role of State and local officials—law enforcement, judges, and others—in federally-sponsored training and other forms of assistance programs is also increasing. The scope of these programs is broad, and includes programs designed to bolster law enforcement, promote trade and tourism, and improve education. As with United States military personnel, these officials may become targets of violent acts committed abroad. Insofar as these officials are often involved in training designed to assist a host country in improving its criminal justice system or other public-sector infrastructures, the host country may lack the resources and skills to effectively investigate and prosecute such crimes. Because these officials are acting under the auspices of the Federal Government, the United States has a strong interest in prosecuting those criminals who attack and kill them. As with other provisions of law that allow extraterritorial jurisdiction over crimes, this provision requires that the Attorney General approve any prosecutions under this section.

TITLE II—STRENGTHENING THE BORDERS OF THE UNITED STATES

Section 201. Sanctions for failure to heave to, obstructing a lawful boarding, and providing false information (old section 2201)

The Coast Guard is authorized to enforce, or assist in the enforcement of, all applicable federal laws on, under, and over the high seas and waters subject to the jurisdiction of the United States (14 U.S.C. §2). Coast Guard commissioned, warrant, and petty officers are also deemed to be customs officers (14 U.S.C. §143; 19 U.S.C. §1401). The Coast Guard may board and examine any vessel subject to the jurisdiction of the United States (14 U.S.C. §89). To carry out this broad grant of authority, statutory sanctions are needed against the master, operator, or person in charge of a vessel who fails to obey the order of a federal law enforcement officer to heave to, or who otherwise obstructs the exercise of law enforcement authority.

Under existing law, a civil penalty can be imposed for failure to heave to a vessel upon

the command of a customs officer (19 U.S.C. §1581(d)). However, the penalty only applies to violations involving vessels at those places where a customs officer is authorized to stop and board. In addition, a criminal and civil penalty can be imposed for failure to stop a vessel when hailed by a customs officer or other government authority within 250 miles of the territorial sea of the United States (19 U.S.C. §1590(g)(8)). However, these penalties may be imposed only on vessels caught with prohibited or restricted merchandise. As a last resort, to compel vessels to heave to, the Coast Guard is authorized, after firing warning shots, to fire into and disable a vessel which has failed to stop (14 U.S.C. §637).

Appropriate sanctions are required to facilitate and enhance the Coast Guard's interdiction of vessels smuggling contraband. The Coast Guard requires an intermediate measure—short of firing into a vessel—to compel a vessel to comply with a lawful order to heave to. Without such sanctions drug smugglers can delay or sometimes prevent the legitimate exercise of Coast Guard law enforcement boarding authority.

Such sanctions are necessary to address the following scenario. The operator of a vessel fails to heave his vessel to in order to delay a Coast Guard boarding. After a lengthy pursuit, the vessel is finally boarded and no contraband is found. Or the operator of a vessel avoids being boarded by failing to heave his vessel to and fleeing; he eventually enters the territorial waters of a safe haven country. In either case, the vessel may have initially been carrying contraband—which has been jettisoned—or may have been acting as a decoy to divert Coast Guard assets away from other vessels carrying contraband. The use of such tactics by drug smugglers not only thwarts Coast Guard drug law enforcement efforts, but diverts Coast Guard assets from their other missions.

Sanctions are also required to deter nonforcible acts of obstruction during a Coast Guard boarding. While forcibly obstructing a federal law enforcement officer is a crime (18 U.S.C. §§111, 113), no statute provides penalties, criminal or civil, for non-forcible acts of obstruction during a Coast Guard boarding. Such penalties are needed as a deterrent to prevent confrontational situations from escalating from non-physical obstructions of boardings to physical assaults on Coast Guard boarding officers.

Sanctions are also required as a means to compel persons on board vessels to provide truthful information regarding the vessel's destination, origin, ownership, registration, nationality, cargo, or crew. False information concerning a vessel's nationality or registration can delay the determination as to whether the United States has jurisdiction over a vessel, or hinder attempts to obtain consent from a foreign country for the United States to exercise jurisdiction. This offers drug smugglers the opportunity to jettison contraband and destroy evidence. Truthful information concerning the vessel's destination, origin, ownership, cargo, or crew facilitates the ability of the boarding team to determine whether the vessel may be engaged in drug smuggling. This information is also important for the successful prosecution of drug smuggling cases.

This section addresses these gaps in current United States drug interdiction law and makes several changes to enhance enforcement of federal law involving vessels. Subsection (a)(1) provides that it shall be unlawful for the master, operator, or person in charge of a vessel of the United States, or a vessel subject to the jurisdiction of the United States, to fail to obey an order to heave to that vessel on being ordered to do so by an authorized federal law enforcement officer. Paragraph (2) provides that it shall be unlawful for any person on board a vessel of the United States, or a vessel subject to the jurisdiction of the United States, to: (1) fail to comply with an order of an authorized federal law enforcement officer in connection with the boarding of the vessel; (2) impede or obstruct a boarding or arrest, or other law enforcement action authorized by any federal law; or (3) provide false information to a federal law enforcement officer during a boarding of a vessel regarding the vessel's destination, origin, ownership, registration, nationality, cargo, or crew. Nothing in this section is a limitation on 18 U.S.C. §1001, which makes it a crime to give a false statement to a government agent.

Subsection (b) provides that this section does not limit in any way the preexisting authority of a customs officer under section 581 of the Tariff Act of 1930 or any other provision of law enforced or administered by the Customs Service, or the preexisting authority of any federal law enforcement officer under any law of the United States to order a vessel to heave to. This section is necessary to establish that this statute in no way limits the potential actions of federal law enforcement officers that exist under other statutes.

Subsection (c) specifies that a foreign nation may consent or waive objection to the enforcement of United States law by the United States under this section in an international agreement, or, on a case-by-case basis, by radio, telephone, or similar oral or electronic means. Consent or waiver may be proven by certification of the Secretary of State or the Secretary's designee.

Subsection (d) defines the terms used in this section, including "vessel of the United States," "vessel subject to the jurisdiction of the United States;" to "heave to;" and "Federal law enforcement officer."

Subsection (e) sets forth penalties for violation of this section. Any person who intentionally violates the provisions of this section shall be subject to: (1) imprisonment for not more than five years; and (2) a fine as provided in this title.

Subsection (f) authorizes the seizure and forfeiture of a vessel that is used in violation of this section. Existing customs laws and duties shall apply to such seizures and forfeitures. This subsection further provides that any vessel that is used in violation of this section is also liable in rem for any fine or civil penalty imposed under this section. This provision gives added force to the prohibitions contained in the section, and provides additional incentives to would-be portrunners to comply with the law.

TITLE III—DENYING SAFE HAVEN TO INTERNATIONAL CRIMINALS AND ENHANCING NATIONAL SECURITY RESPONSES

Section 301. Exclusion of persons fleeing prosecution in other countries (old section 3201)

This section will add flight to avoid lawful prosecution as an additional ground of inadmissibility under the Immigration and Nationality Act and designate the country seeking to prosecute such individuals as the primary country of deportation. This section will be triggered if the crime for which prosecution is sought is a crime of moral turpitude, other than a purely political offense.

Individuals often seek refuge in the United States to avoid prosecution for crimes committed in other countries. Presently, if such persons are detected attempting to enter the United States, the United States must either find some other basis for exclusion (*e.g.*, having been previously convicted of another crime), or embark on lengthy extradition proceedings, assuming there is an applicable extradition treaty, which is not always the case.

This section will provide an independent statutory basis to remove persons who enter or attempt to enter the United States for the purpose of avoiding lawful prosecution in another country and to return them to the country seeking their prosecution unless the Attorney General, in his/her discretion, determines that such return would be impracticable, inadvisable, or impossible. An additional ground of removal under INA section 237 is not necessary because such an alien fugitive found in the United States would be removable under section 237(a)(1)(A) as an alien inadmissible at the time of entry or adjustment of status. The provision is intended to reach situations where the person flees after a warrant has been issued or in anticipation of a warrant being issued. Nothing in this proposed new section would alter U.S. obligations to protect bona fide refugees. Persons covered by this section remain eligible to apply for withholding of deportation under INA section 241(b)(3), and asylum under section 208, to the extent those remedies would otherwise be available.

Section 302. Exclusion of persons involved in racketeering and arms trafficking (old section 3202)

This section will provide for inadmissibility of any individual whom a consular officer has reason to believe has or is engaged in certain RICO and arms trafficking offenses, or any criminal activity in a foreign country that would constitute such an offense if committed in the United States, regardless of whether a judgment of conviction has been entered or avoided due to flight, corruption, etc. This section treats serious criminals with the same standard applicable to drug traffickers and will make our ability to exclude aliens involved in such activities less dependent upon our ability to draw inferences about a person's intent to do something illicit in the United States. With only minor exceptions, the RICO offenses referenced constitute crimes involving moral turpitude that are already grounds for exclusion under the Immigration and Nationality Act.

The Provision includes a waiver provision that allows the Attorney General to waive its applicability for offenses other than aggravated felonies. This provision has been added to provide the Attorney General flexibility to waive these provisions in the event that there is a law enforcement, humanitarian or other important national interest justifying such waiver.

A part of this section related to spouses and adult children of persons in this category has been removed before Committee consideration.

Section 303. Clarification of exclusion of persons involved in drug traffickers (old section 3203)

This section makes minor changes to the law concerning exclusion of those the Attorney General or a consular officer has reason to believe are or have been an illicit trafficker in controlled substances.

A part of this section related to spouses and adult children of persons in this category has been removed before Committee consideration.

Section 304. Exclusion of persons involved in international alien smuggling (old section 3204)

This section will address the problem of excluding international alien smugglers where

there is evidence that they have assisted aliens to illegally enter countries other than the United States, but not the United States. Often there is a strong likelihood that such assistance was part of a scheme to illegally bring such aliens into the U.S. or could develop into a scheme to illegally bring such aliens into the U.S., but under current law the alien providing such assistance may not be excludable. This provision will allow consular officers and the Immigration and Naturalization Service to find such aliens ineligible for entry into the U.S. when the alien should have known that the illegal entry into another country would have assisted other aliens to enter the U.S. in violation of law.

Section 305. Seizure of assets of persons arrested abroad (old section 4008)

This section relates to situations where a person has been arrested in a foreign country and there is a danger that property subject to forfeiture in the United States in connection with the foreign offenses will disappear if it is not immediately restrained. In the case of foreign arrests, it is possible for the property of the arrested person to be transferred out of the United States before U.S. law enforcement officials have received from the foreign country the evidence necessary to support a finding a probable cause for the seizure of the property in accordance with federal law. This situation is most likely to arise in the case of drug traffickers and money launderers whose bank accounts in the United States may be emptied within hours of an arrest by foreign authorities in the Latin America or Europe.

To ensure that property subject to forfeiture in such cases is preserved, the new provision provides for the issuance of an ex parte restraining order upon the application of the Attorney General and a statement that the order is needed to preserve the property while evidence supporting probable cause for seizure is obtained. A party whose property is retrained would have a right to a post-restraint hearing in accordance with Rule 65(b), Fed.R. Civ.

Section 306. Administrative summons authority under the Bank Secrecy Act (old section 4015)

This section will amend 31 U.S.C. §5318(b)(1) to expand the situations in which an administrative summons will be sufficient to obtain information from financial institutions subject to the Bank Secrecy Act (BSA). At present, the Secretary of the Treasury is permitted to examine information maintained at financial institutions under the requirements of the BSA, but is permitted to summon information or individuals only "in connection with investigations for the purpose of civil enforcement of violations of" BSA, it regulations, or certain related statutes. BSA policy requires the government to focus on the efficacy of compliance systems rather than attempt to identify particular BSA violations. Restriction of summons authority to investigations for the purpose of civil enforcement of BSA violations could hamper the ability of the Secretary to review the adequacy of compliance systems. In addition to existing civil enforcement authority, this amendment will enable the Secretary to review the adequacy of BSA compliance systems. Subpoena requests will remain subject to the account holder rights specified in the Right to Financial Privacy Act.

Section 307. Criminal and civil penalties under the International Emergency Economic Powers Act (old section 4018)

This provision will increase the monetary limits of the civil and criminal penalty authorities provided for in the International Emergency Economic Powers Act (IEEPA). IEEPA currently provides for civil penalties of up to $10,000 per violation of IEEPA prohibitions, and criminal penalties of up to $50,000 per violation for individual and corporations, and imprisonment for up to 10 years per violation by individuals and participating corporate officers. These limitations no longer constitute effective deterrents for flagrant or willful violations of IEEPA and are significantly less than the penalty limitations provided for in the Trading with the Enemy Act for violations of economic sanctions imposed under that statute. The ineffectiveness of the civil penalty cap is particularly apparent in situations where the IEEPA violation relates to transactions (and profits) valued at many times the maximum penalty amount. This section will raise the IEEPA civil penalty authority to $50,000 per violation, and raise the criminal penalty monetary limits to $250,000 per violation for individuals and participating corporate officers, as is provided for criminal offenses generally in 18 United States code §3571(b)(3), and $1 million per violation for corporations.

Section 308. Attempted violations of the Trading With the Enemy Act (old section 4019)

This section will amend the Trading with the Enemy Act (TWEA) to provide that criminal and civil penalties may be imposed not only against any person who violates a license, order, or regulation issued under TWEA, but also against a person who attempts to violate such a license, order, or regulation. last year, Congress added an "attempt" provision to the International Emergency Economic Powers Act (IEEPA), but did not add a similar provision to its companion statute, TWEA. TWEA lacks an attempt provision similar to those found in other export administration statutes, for example, the Export Administration Act. Recent executive orders imposing economic sanctions and regulations implementing such orders typically include language prohibiting attempted violations. Current case law in the federal circuit courts of appeal supports promulgation of regulations prohibiting attempts to violate statutes not explicitly containing attempt language. In spite of these factors, the absence of an attempt provision in TWEA makes prosecution of attempted violations more problematic. to clarify existing law and to insulate prosecutions of attempted violations from any possibility of attack based on the scope of the President's authority, these amendments expressly prohibit attempts to violate TWEA.

TITLE IV—RESPONDING TO EMERGING INTERNATIONAL CRIME THREATS

Section 401. Enhanced authority to investigate computer fraud and attacks on computer systems (old section 5101)

This section would add certain violations relating to computer crime to the list of serious criminal activity for which 18 U.S.C. §2516 permits court authorized interception of wire, oral, and electronic communications when the rigorous requirements of chapter 119 (including section 2516) are met. Violations of 18 U.S.C. §1030 can include computer fraud and attacks on computer systems, such as those controlling the public telecommunications networks, air traffic control, and the electric power network. In computer attack cases, since the evidence of the crime may lie largely in cyberspace, interceptions of wire and electronic communications may be the primary or only available avenue of investigation. Moreover, in computer cases where the activities originate from a business or university, voicetaps may be the only way to complete the identification of the criminal actually using the terminal involved. The statute limits wiretap authority to investigation of felony offenses.

Section 402. Jurisdiction over certain financial crimes committed abroad (old section 5102)

This section clarifies the extraterritorial jurisdiction of 18 U.S.C. §1029 (access device fraud). It expressly recognizes United States jurisdiction over access device fraud—including credit card fraud, debit card fraud and telecommunications fraud—in cases where the fraud causes an effect on an entity within the jurisdiction of the United States, even if the defendant has never physically entered the United States. Such a clarification is of great importance to the United States' ability to protect its financial system. The modern financial system relies substantially on access devices to access and utilize a vast array of accounts and systems, including credit and debit card accounts, accounts in banks and other financial institutions, electronic funds, and telecommunications systems. Increasingly, U.S. financial, corporate and government entities have implemented access device payment systems to conduct transactions reaching billions of dollars per day. The dramatic increase in electronic and computerized access to such systems from outside the United States has enhanced the vulnerabilities of these systems to criminal activities internationally. By recognizing that the United States has the authority to protect its access device systems against both foreign and domestic threats, this section ensures the security and integrity of United States based payment systems in the same way that 18 U.S.C. §470 ensures the integrity of United States currency. Together, this section and 18 U.S.C. §470 will enhance the United States' ability to protect its financial system and combat transnational financial crimes that target that system.

TITLE V—PROMOTING GLOBAL COOPERATION IN THE FIGHT AGAINST INTERNATIONAL CRIME

Section 501. Sharing proceeds of joint forfeiture operations with cooperating foreign agencies (old section 6001)

This proposal provides for expansion of the authorization to share forfeited property with foreign governments that cooperate in federal forfeitures. It was Section 406 of the "Forfeiture Act of 1996" which has been previously submitted to Congress. Section 981(i) of Title 18, U.S. Code, authorizes the sharing of forfeited property with foreign governments in certain circumstances. It currently applies to all civil and criminal forfeitures under 18 U.S.C. §§981, 982, which are the forfeiture statutes for most federal offenses in Title 18. Older parallel provisions applicable only to drug cases and Customs cases appear in 21 U.S.C. §881(e)(1)(E) and 19 U.S.C. §1616a(c)(2), respectively.

The amendment simply extends the existing sharing authority to all other criminal and civil forfeitures, including those undertaken pursuant to RICO, the Immigration and Naturalization Act, the antipornography and gambling laws, and other statutes throughout the United States Code. Because the amendment makes the parallel provisions in the drug and customs statutes unnecessary, Section 881(e) is amended to remove the redundancy.

Section 502. Streamlined procedures for execution of MLAT requests (old section 6002)

This section expands the authority of U.S. district courts to execute, or order execution of, foreign requests for assistance in criminal matters made pursuant to mutual legal

assistance treaties (MLATs), conventions, and executive agreements such as an "antitrust mutual assistance agreement" (see, e.g., 15 U.S.C. §6201 et seq.). This section applies only when the execution of such a request requires or appears to require the use of compulsory measures in more than one district. On such occasions, this section permits a judge or judge magistrate in any district involved in a multidistrict execution, or in the District of Columbia, to execute the entire request.

The U.S. generally relies on 28 U.S.C. §1782—which authorizes the practice of appointing a "commissioner" to execute a foreign request for assistance—to provide the framework for executing foreign requests for assistance, whether made by letter rogatory, letter of request, request pursuant to an MLAT, or other similar form of request. Section 1782 calls for execution of the foreign request in the district where the witness resides or is found, or where the evidence is located. Consequently, the Attorney General—the authority to whom foreign requests in criminal matters are generally sent for execution—often transmits the same request to each district in which a witness or evidence may be located for execution of that portion directly connected to the district.

This practice of transmitting a request to each and every district in which assistance requested may be found is inefficient and prone to creating delay. A majority of requests entail execution in multiple districts. Execution of a multiple district request requires substantial coordination by U.S. authorities (e.g., often documents located in different districts must be produced and analyzed before testimony from witnesses located in other districts can be profitably taken) and duplication of efforts by U.S. authorities (e.g., a judge or magistrate judge, prosecutor, and assisting agent or agents in each district must become familiar with and involved in executing the same request). In addition to the profligate expenditure of U.S. resources, the practice often results in delay, rendering the U.S. unable to provide foreign law enforcement authorities, and especially foreign treaty partners, with the level of service that the U.S. would like to receive with respect to U.S. requests. Another problem often encountered with multidistrict requests is that a U.S. Attorney's Office designated to execute a portion of a request is unable to devote the necessary resources at the time requested. If timing is critical, and it often is, execution of the request in a district involved in another aspect of the execution, or in the District of Columbia, is a reasonable solution.

This proposal provides an alternative to the current practice of executing foreign requests for assistance only in each and every district in which a witness or evidence is located. Placing authority in a U.S. district court for a district otherwise involved in the execution of a multidistrict request, or in the U.S. District Court for the District of Columbia, should dramatically improve: (1) the efficient use of U.S. resources to execute foreign requests that involve multiple districts, and (2) the execution of requests involving multiple districts in a timely manner.

Providing the U.S. District Court for the District of Columbia as an alternative venue also permits the Attorney General, with requests that require substantial allocation of resources or coordination, to provide attorneys to undertake execution in the District of Columbia in conjunction with the United States Attorney's Office for the District of Columbia.

Finally, this proposal recognizes that executing foreign requests in criminal matters by requiring witnesses to appear in different districts from those in which they are located may create some hardships for witnesses, just as it does in domestic criminal investigations and prosecutions where the U.S. prosecutor subpoenas witnesses to appear anywhere in the U.S. (i.e., where in the U.S. the investigation or prosecution is taking place). This proposal contemplates the same possibility of travel to comply with a commissioner's order as in a domestic criminal investigation or prosecution; however, it provides a procedure to balance the hardship against the exigencies of the request. Upon notice to either the court or the commissioner executing the request, the court will decide whether to transfer execution involving the complaining witness to that witness' district by balancing the (1) inconvenience to the witness against the (2) negative impact upon execution of the request.

TITLE VI—STREAMLINING THE INVESTIGATION AND PROSECUTION OF INTERNATIONAL CRIMES IN U.S. COURTS

Section 601. Reimbursement of state and local law enforcement agencies in international crime cases (old section 7001)

This proposal authorizes the Attorney General to designate funds to defray unusual expenses incurred by state and local jurisdictions in international extradition cases, including the costs of transporting the fugitive back to the United States and the cost of translating the extradition documents into the language of the foreign state.

State and local prosecutors are sometimes forced to abandon efforts to extradite serious offenders who have fled abroad because the prosecutors lack the resources to pay the cost of international extradition. Because extradition in cases involving violent offenders or career criminals is a national priority, this provision would authorize the Attorney General to allocate funds to pay the costs of such extraditions in serious cases if the state or local authorities certify that the financial assistance is needed. The Marshals Service spent about $900,000 last year transporting federal fugitives back to the U.S., and it estimates that transportation of all state and local fugitives could cost twice that amount. The Marshals Service currently retrieves fugitives from abroad for state and local jurisdictions, on a reimbursable basis.

This provision is not intended to shift the entire financial burden that may be involved in international cases from states and localities to the federal government. Rather, it provides authority to assist state and localities in meeting extraordinary expenses that could not reasonably be anticipated in the local jurisdiction's ordinary budget process.

Section 602. Facilitating the admission of foreign records in United States courts (old section 7002)

This section provides a statutory basis to authenticate and admit into evidence, in federal judicial proceedings, foreign-based records of regularly conducted activity obtained pursuant to official requests. The section expands the extant statutory basis with respect to foreign business records, making records produced in accordance with the statute admissible to civil proceedings (whereas the statute currently authorizes admission only in criminal proceedings). The section also provides an independent statutory basis for foreign official records, treating official records produced in accordance with the statute as admissible in a fashion similar to foreign business records. The section continues to incorporate elements of the Federal Rules of Evidence, especially Rule 803(6), that ensure the reliability of the foreign records and maintains the requirement of a foreign certification or similar certification provided by treaty, convention, or agreement.

To make foreign business records admissible in a civil proceeding under Federal Rules of Evidence 803(6) and 901(a)(1), a foreign custodian or other qualified witness must give testimony, either by appearing at a proceeding in the U.S. or by providing a deposition taken abroad and introduced at the U.S. proceeding, which testimony or deposition establishes that the foreign business records are authentic (901(a)(1)) and reliable (Rule 803(6)). The United States has no means by which to compel the attendance of a foreign custodian or other qualified foreign witness at a U.S. proceeding to testify. Thus, to adduce the requisite testimony, U.S. authorities must (1) rely on the prospective witness' willingness to voluntarily appear (which is rare and subject to vicissitude) or (2) attempt to depose the witness abroad. The latter process is unduly cumbersome and not available in many situations (e.g., in matters involving tax administration pursuant to tax treaties or agreements). This section provides a streamlined process for making foreign business records admissible without having to rely on the unpredictability of a foreign witness' voluntary travel to the U.S. or the unpredictable and cumbersome process of deposing the witness abroad.

Foreign official records include records of birth, vehicle registry, property transfer and liens, foreign business incorporation, and the like. Such records are routinely kept in much the same manner as business records. This section authorizes a single certification for both self-authentication and foundation for an exception to the hearsay rule similar to that currently available for foreign business records. It, likewise, will streamline the process of securing documents admissible in U.S. judicial proceedings while, at the same time, maintaining assurances of reliability.

Section 603. Prohibiting fugitives from benefitting from time served abroad (old section 7004)

This proposal is designed so that defendants who become fugitives either by fleeing the United States, or by remaining outside the United States (in the event they are sought based on an assertion of extraterritorial jurisdiction), in order to avoid trial and punishment do not inappropriately benefit from their actions. Because U.S. prison time is now credited to fugitives after their return to the U.S. for the time during which fugitives pursue tactics in foreign countries designed to delay their return and trial in the United States, the current law unwittingly encourages fugitives to file every frivolous challenge to their rendition which is available, in order to delay the case and perhaps weaken the prosecution's case. This proposal is needed because the time consuming and complex nature of the international extradition process which involves foreign sovereigns, foreign legal laws and processes, and foreign languages, typically creates substantially longer delays than the delays that occur in the comparable domestic situation. Nationwide Federal jurisdiction and interstate compacts typically result in the swift rendition of interstate fugitives.

Mr. LEAHY. Mr. President, I am pleased to have been able to work with the Senator from Utah to gain passage of this important legislation, the Improvements to International Crime and

Anti-Terrorism Amendments of 1998. It will give United States law enforcement agencies important tools to help them combat international crime.

Unfortunately, recent incidents have made amply clear that crime and terrorism directed at Americans and American interests abroad are part of our modern reality. The bombings of U.S. embassies in Kenya and Tanzania are just the most recent reminders of how vulnerable American citizens and interests are to terrorist attacks. In a shockingly brutal attack, more than 250 men, women and children, were murdered in cold blood. Among those 250 victims were 12 of our fellow citizens.

With improvements in technology, criminals now can move about the world with ease. They can transfer funds with a push of a button, or use computers and credit card numbers to steal from American citizens and businesses from any spot on the globe. They can strike at Americans here and abroad. The playing field keeps changing, and we need to change with it.

This bill does exactly that, not with sweeping changes but with thoughtful provisions carefully targeted at specific problems faced by law enforcement. The bill gives tools and protection to investigators and prosecutors, while narrowing the room for maneuver that international criminals and terrorists now enjoy.

I initially introduced certain provisions of this bill on April 30, 1998, in the Money Laundering Enforcement and Combating Drugs in Prisons Act of 1998, S. 2011, with Senators DASCHLE, KOHL, FEINSTEIN, and CLELAND. Again, on July 14, 1998, I introduced with Senator BIDEN, on behalf of the Administration, the International Crime Control Act of 1998, S. 2303, which contains many of the provisions set forth in this bill. Virtually all of the provisions in the bill were included in another major anti-crime bill, the "Safe Schools, Safe Streets, and Secure Borders Act of 1998," that I introduced on September 16, 1998, along with Senators DASCHLE, BIDEN, MOSELEY-BRAUN, KENNEDY, KERRY, LAUTENBERG, MIKULSKI, BINGAMAN, REID, MURRAY, DORGAN, and TORRICELLI.

We have drawn from these more comprehensive bills a set of discrete improvements that enjoy bipartisan support so that important provisions may be enacted promptly. Each of these provisions has been a law enforcement priority.

The bill would provide discretionary authority for investigations and prosecutions of organized crime groups that kill or threaten violence against Americans abroad, when in the view of the Attorney General, the organized crime group was trying to further its objectives. This should not be viewed as an invitation for American law enforcement officers to start investigating organized crime around the world, but when such groups are targeting Americans abroad for physical violence and the Attorney General believes it is necessary, we must act.

In addition, the bill would expand current law to criminalize murder and other serious crimes committed against state and local officials who are working abroad with federal authorities on joint projects or operations. The penalties for murder against such state or local officials, who are acting abroad under the auspices of the federal government, are the same as for federal officers, under section 1119 of title 18, United States Code, and would therefore authorize imposition of the death penalty. While I oppose the death penalty, there is no reason to distinguish the penalties for murder of federal versus non-federal officials, who are both acting under the auspices of the Federal Government.

Also, the authority of the Attorney General to bring such prosecutions is limited so as not to interfere with the criminal jurisdiction of the foreign nation where the murder occurred. Thus, I would expect this authority to be exercised only in the rare circumstance in which the Attorney General believes the foreign country is not adequately addressing the crime.

The bill contains provisions to protect our maritime borders by providing realistic sanctions for vessels that fail to "heave to" or otherwise obstruct the Coast Guard. No longer will drug-runners be able to stall or resist Coast Guard commands with impunity. The additional sanctions for resisting "heave to" orders and for lying to law enforcement officers about a boat's destination, origin and other pertinent matters, will help the Coast Guard in its efforts to interdict illegal drugs and other contraband.

The bill also provides specific authority to exclude from entry into our country international criminals and terrorists, including those engaged in flight to avoid foreign prosecution, alien smuggling, or arms or drug trafficking under specific circumstances. At the same time, we ensure that the Attorney General has full authority to make exceptions for humanitarian and similar reasons.

The bill includes important money laundering provisions strongly supported by law enforcement. At a recent Judiciary Committee hearing on anti-terrorism, FBI Director Louis Freeh noted the importance of money laundering laws as a tool in stopping not only international drug kingpins, but also international terrorists, such as Usama bin Laden, the multi-millionaire terrorist who has been linked to the recent embassy bombings.

The bill has two important provisions aimed at computer crimes: it provides expanded wiretap authority, subject to court order, to cover computer crimes, and also gives us extraterritorial jurisdiction over access device fraud, such as stealing telephone credit card numbers, where the victim of the fraud is within our borders.

We cannot stop international crime without international cooperation, however. This bill facilitates such cooperation by allowing our country to share the proceeds of joint forfeiture operations, to encourage participation by foreign countries. It streamlines procedures for executing MLAT requests that apply to multiple judicial districts. Furthermore, the bill addresses the essential but often overlooked role of state and local law enforcement in combating international crime, and authorizes reimbursement of state and local authorities for their cooperation in international crime cases. The bill helps our prosecutors in international crime cases by facilitating the admission of foreign records in U.S. courts. Finally, it will speed the wheels of justice by prohibiting international criminals from being credited with any time they serve abroad while they fight extradition to face charges in our country.

These are important provisions that I have advocated for some time. They are helpful, solid law enforcement provisions. I thank my friend from Utah, Senator HATCH, for his help in making this bill a reality. Working together, we were able to craft a bipartisan bill that will accomplish what all of us want, to make America a safer and more secure place.

Finally, I would like to address the encryption amendment that Senator KYL offered and then withdrew during Committee consideration of this bill. This amendment would have criminalized the use of encryption in the commission of any federal felony.

Unlike analogous provisions incorporated into pending encryption bills, the Kyl amendment was not limited in any way to the criminal use of encryption "for the purpose of avoiding detection by law enforcement agencies or prosecution", as reflected in the SAFE bill, H.R. 695, or "with the intent to conceal that communication or information for the purpose of avoiding detection by a law enforcement agency or prosecutor," as reflected in the Ashcroft-Leahy E-PRIVACY bill, S. 2067. The scope of the offered Kyl amendment raised concerns about inviting government over-reaching. There is no requirement in the amendment, for example, that a conviction for use of encryption be predicated on a conviction of any underlying criminal offense.

Moreover, were this amendment to become law, it could chill even the routine use of encryption in the course of every day business, such as communications between clients and lawyers or accountants, since the mere use of

encryption could result in exposure to substantial criminal penalties of up to five years in prison.

In addition, as I noted during the committee's discussion of the amendment, the definition of encryption in the offered Kyl amendment varied greatly from definitions used in pending legislation, including bills I have introduced and cosponsored, that have been thoroughly vetted with encryption and other technical exports. The Kyl amendment definition of "encryption" is drafted so broadly that it could apply to any transformation of analog to digital communications, without any use of mathematical algorithms commonly associated with encryption. We can and should do better if we are going to add a definition of this highly technical operation to the criminal code for the first time.

I appreciate the chairman's efforts, and Senator KYL's willingness, to address this issue in a considered fashion in the next Congress.

As a former prosecutor, I have long been concerned about helping law enforcement have the tools necessary to deal with changing technologies, and at the same time provide procedural safeguards to protect privacy and other important constitutional rights of American citizens. That is why I sponsored, among other laws, the Electronic Communications Privacy Act in 1986 and the Communications Assistance for Law Enforcement Act in 1994, and worked with Senator KYL and Chairman HATCH on passage of the National Information Infrastructure Protection Act in 1996 and, most recently, on identity theft legislation.

When it comes to encryption, I fully appreciate the challenge such technology poses for law enforcement officers, who may increasingly find that the communications they capture during court authorized electronic surveillance is unintelligible because it is scrambled with encryption technology. In the last Congress, I introduced legislation, S. 1587, that contained a provision to criminalize the use of encryption to obstruct justice. Again, in this Congress, I have introduced a bill with such a provision, S. 376, and cosponsored with Senator ASHCROFT yet another bill, S. 2067, that contains a criminal penalty for the willful use of encryption to conceal incriminating communications or information. Thus, taking the step of creating a new crime to address the criminal use of encryption is not a new idea to me.

I remain frustrated that sound encryption legislation was not enacted this year, particularly since this technology is such an effective crime prevention tool. The longer we go without addressing encryption policy in a comprehensive fashion, the longer our computer information, networks and critical infrastructures remain vulnerable to cyber-attacks and theft.

I encourage the FBI to continue working with industry to try to define some cooperative efforts to facilitate court ordered access to encrypted files and communications. But the job of Congress is to ensure that procedural safeguards are in place to guide such cooperation in ways that comport with our Constitution. I look forward to working with Senator KYL, as we have successfully in the past on technology issues, and with other members, on comprehensive encryption legislation that addresses both the criminal use of encryption as well as policy changes to promote the widespread use of encryption as a shield against cybercrime.

CRIMINALIZING THE USE OF ENCRYPTION

Mr. KYL. Mr. President, I am concerned over our inability to advance good policy on encryption this Congress. The Senate has held many hearings on encryption, and there have been a number of bills introduced, with nothing concrete to show for it. What these bills have in common is an approach that would fold all aspects of national policy on encryption into one legislative vehicle. That has been a recipe for gridlock.

Meanwhile, terrorist and criminals and drug lords are increasingly using encryption to hide their acts from law enforcement investigators. This already serious problem will continue to worsen unless we find some way to level the playing field.

In committee, I offered an amendment I believed to be noncontroversial. It would criminalize the use of encryption in furtherance of a crime. It echoes language that appeared in each and every encryption bill introduced this Congress. And yet, it was rejected by some Members because it did not address other aspects of encryption policy. We need to get beyond this all-or-nothing approach.

Mr. HATCH. I am generally supportive of the concept embodied in the amendment offered by the Senator from Arizona which was discussed in committee, and I regret that it was not possible to work out acceptable language to include in this bill. Next Congress, I believe the Judiciary Committee should take up the challenge of reviewing this Nation's encryption policies and ensure that law enforcement agencies can continue to fulfill their critical responsibilities. This review will include a hearing to consider the FBI's proposed Technical Support Center, in order to evaluate its potential for solving some of law enforcement's access concerns. I pledge my support to help enact legislation to address the use of encryption in furtherance of a felony.

Mr. CRAIG. Mr. President, I ask unanimous consent the bill be considered read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 2539) was read the third time and passed as follows:

S. 2536

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "International Crime and Anti-Terrorism Amendments of 1998".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Section 2332 of title 18, United States Code, is amended—

(1) by redesignating subsection (d) as subsection (e);

(2) by inserting after subsection (c) the following:

"(d) EXTORTION OF UNITED STATES NATIONALS ABROAD.—Whoever commits or attempts to commit extortion against a national of the United States, while the national is outside the United States, shall be fined under this title, imprisoned not more than 20 years, or both.";

(3) in subsection (e), as redesignated, by inserting ", or was intended to further the objectives of an organized criminal group. A certification under this paragraph shall not be subject to judicial review" before the period at the end; and

(4) by adding at the end the following:

"(f) RULE OF CONSTRUCTION.—Nothing in this section may be construed as indicating an intent on the part of Congress—

"(1) to interfere with the exercise of criminal jurisdiction by the nation or nations in which the criminal act occurred; or

"(2) to mandate that each potential violation should be the subject of investigation or prosecution by the United States.

"(g) DEFINITIONS.—In this section—

"(1) the term 'extortion' means the obtaining of property worth $100,000 or more from another by threatening or placing another person in fear that any person will be subjected to bodily injury or kidnapping or that any property will be damaged or destroyed; and

"(2) the term 'organized criminal group' means a group that has a hierarchical structure or is a continuing enterprise, and that is engaged in or has as a purpose the commission of an act or acts that would constitute racketeering activity (as defined in section 1961) if committed within the United States.".

SEC. 102. MURDER OR SERIOUS ASSAULT OF A STATE OR LOCAL OFFICIAL ABROAD.

(a) IN GENERAL.—Chapter 51 of title 18, United States Code, is amended by adding at the end the following:

"§ 1123. Murder or serious assault of a State or local law enforcement, judicial, or other official abroad

"(a) DEFINITIONS.—In this section:

"(1) SERIOUS BODILY INJURY.—The term 'serious bodily injury' has the meaning given the term in section 2119.

"(2) STATE.—The term 'State' has the meaning given the term in section 245(d).

"(b) PENALTIES.—Whoever, in the circumstance described in subsection (c)—

"(1) kills or attempts to kill an official of a State or a political subdivision thereof shall be punished as provided in sections 1111, 1112, and 1113; or

"(2) assaults an official of a State or a political subdivision thereof, if that assault results in serious bodily injury shall be punished as provided in section 113.

"(c) CIRCUMSTANCE DESCRIBED.—The circumstance described in this subsection is that the official of a State or political subdivision—

"(1) is outside the territorial jurisdiction of the United States; and

"(2) is engaged in, or the prohibited activity occurs on account of the performance by that official of training, technical assistance, or other assistance to the United States or a foreign government in connection with any program funded, in whole or in part, by the Federal Government.

"(d) LIMITATIONS ON PROSECUTION.—No prosecution may be instituted against any person under this section except upon the written approval of the Attorney General, the Deputy Attorney General, or an Assistant Attorney General, which function of approving prosecutions may not be delegated and shall not be subject to judicial review.

"(e) RULE OF CONSTRUCTION.—Nothing in this section may be construed to indicate an intent on the part of Congress—

"(1) to interfere with the exercise of criminal jurisdiction by the nation or nations in which the criminal act occurred; or

"(2) to mandate that each potential violation should be the subject of investigation or prosecution by the United States.".

(b) TECHNICAL AND CONFORMING AMENDMENT.—The analysis for chapter 51 of title 18, United States Code, is amended by adding at the end the following:

"1123. Murder or serious assault of a State or local law enforcement, judicial, or other official abroad.".

TITLE II—STRENGTHENING THE BORDERS OF THE UNITED STATES

SEC. 201. SANCTIONS FOR FAILURE TO HEAVE TO, OBSTRUCTING A LAWFUL BOARDING, AND PROVIDING FALSE INFORMATION.

(a) IN GENERAL.—Chapter 109 of title 18, United States Code, is amended by adding at the end the following:

"§ 2237. Sanctions for failure to heave to; sanctions for obstruction of boarding or providing false information

"(a) DEFINITIONS.—In this section:

"(1) FEDERAL LAW ENFORCEMENT OFFICER.—The term 'Federal law enforcement officer' has the meaning given that term in section 115(c).

"(2) HEAVE TO.—The term 'heave to' means, with respect to a vessel, to cause that vessel to slow or come to a stop to facilitate a law enforcement boarding by adjusting the course and speed of the vessel to account for the weather conditions and the sea state.

"(3) VESSEL OF THE UNITED STATES; VESSEL SUBJECT TO THE JURISDICTION OF THE UNITED STATES.—The terms 'vessel of the United States' and 'vessel subject to the jurisdiction of the United States' have the meanings given those terms in section 3 of the Maritime Drug Law Enforcement Act (46 U.S.C. App. 1903).

"(b) FAILURE TO OBEY AN ORDER TO HEAVE TO.—

"(1) IN GENERAL.—It shall be unlawful for the master, operator, or person in charge of a vessel of the United States or a vessel subject to the jurisdiction of the United States, to fail to obey an order to heave to that vessel on being ordered to do so by an authorized Federal law enforcement officer.

"(2) IMPEDING BOARDING; PROVIDING FALSE INFORMATION IN CONNECTION WITH A BOARDING.—It shall be unlawful for any person on board a vessel of the United States or a vessel subject to the jurisdiction of the United States knowingly or willfully to—

"(A) fail to comply with an order of an authorized Federal law enforcement officer in connection with the boarding of the vessel;

"(B) impede or obstruct a boarding or arrest, or other law enforcement action authorized by any Federal law; or

"(C) provide false information to a Federal law enforcement officer during a boarding of a vessel regarding the destination, origin, ownership, registration, nationality, cargo, or crew of the vessel.

"(c) STATUTORY CONSTRUCTION.—Nothing in this section may be construed to limit the authority granted before the date of enactment of the International Crime and Anti-Terrorism Amendments of 1998 to—

"(1) a customs officer under section 581 of the Tariff Act of 1930 (19 U.S.C. 1581) or any other provision of law enforced or administered by the United States Customs Service; or

"(2) any Federal law enforcement officer under any Federal law to order a vessel to heave to.

"(d) CONSENT OR WAIVER OF OBJECTION BY A FOREIGN COUNTRY.—

"(1) IN GENERAL.—A foreign country may consent to or waive objection to the enforcement of United States law by the United States under this section by international agreement or, on a case-by-case basis, by radio, telephone, or similar oral or electronic means.

"(2) PROOF OF CONSENT OR WAIVER.—The Secretary of State or a designee of the Secretary of State may prove a consent or waiver described in paragraph (1) by certification.

"(e) PENALTIES.—Any person who intentionally violates any provision of this section shall be fined under this title, imprisoned not more than 5 years, or both.

"(f) SEIZURE OF VESSELS.—

"(1) IN GENERAL.—A vessel that is used in violation of this section may be seized and forfeited.

"(2) APPLICABILITY OF LAWS.—

"(A) IN GENERAL.—Subject to subparagraph (C), the laws described in subparagraph (B) shall apply to seizures and forfeitures undertaken, or alleged to have been undertaken, under any provision of this section.

"(B) LAWS DESCRIBED.—The laws described in this subparagraph are the laws relating to the seizure, summary, judicial forfeiture, and condemnation of property for violation of the customs laws, the disposition of the property or the proceeds from the sale thereof, the remission or mitigation of the forfeitures, and the compromise of claims.

"(C) EXECUTION OF DUTIES BY OFFICERS AND AGENTS.—Any duty that is imposed upon a customs officer or any other person with respect to the seizure and forfeiture of property under the customs laws shall be performed with respect to a seizure or forfeiture of property under this section by the officer, agent, or other person that is authorized or designated for that purpose.

"(3) IN REM LIABILITY.—A vessel that is used in violation of this section shall, in addition to any other liability prescribed under this subsection, be liable in rem for any fine or civil penalty imposed under this section.".

(b) TECHNICAL AND CONFORMING AMENDMENT.—The analysis for chapter 109 of title 18, United States Code, is amended by adding at the end the following:

"2237. Sanctions for failure to heave to; sanctions for obstruction of boarding or providing false information.".

TITLE III—DENYING SAFE HAVENS TO INTERNATIONAL CRIMINALS AND ENHANCING NATIONAL SECURITY RESPONSES

SEC. 301. INADMISSIBILITY OF PERSONS FLEEING PROSECUTION IN OTHER COUNTRIES.

(a) NEW GROUNDS OF INADMISSIBILITY.—Section 212(a)(2) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(2)) is amended by adding at the end the following:

"(G) UNLAWFUL FLIGHT TO AVOID PROSECUTION.—Any alien who is coming to the United States solely, principally, or incidentally to avoid lawful prosecution in a foreign country for a crime involving moral turpitude (other than a purely political offense) is inadmissible.".

(b) COUNTRIES TO WHICH ALIENS MAY BE REMOVED.—Section 241(b) of the Immigration and Nationality Act (8 U.S.C. 1231(b)) is amended—

(1) in paragraph (3)(A), by striking "(1) and (2)" and inserting "(1), (2), and (4)"; and

(2) by adding at the end the following:

"(4) ALIENS SOUGHT FOR PROSECUTION.—Notwithstanding paragraphs (1) and (2) of this subsection, any alien who is found removable under section 212(a)(2)(G) (or section 212(a)(2)(G) as applied pursuant to section 237(a)(1)(A)), shall be removed to the country seeking prosecution of that alien unless, in the discretion of the Attorney General, the removal is determined to be impracticable, inadvisable, or impossible. In that case, removal shall be directed according to paragraphs (1) and (2) of this subsection.".

SEC. 302. INADMISSIBILITY OF PERSONS INVOLVED IN RACKETEERING AND ARMS TRAFFICKING.

(a) NEW GROUNDS OF INADMISSIBILITY.—Section 212(a)(2) of the Immigration and Nationality Act (8 U.S.C. 1182) is amended by adding at the end the following:

"(H) RACKETEERING ACTIVITIES.—Any alien is inadmissible if the consular officer or the Attorney General knows or has reason to believe that the alien is or has been engaged in activities that, if engaged in within the United States, would constitute 'pattern of racketeering activity' (as defined in section 1961 of title 18, United States Code) or has been a knowing assister, abettor, conspirator, or colluder with others in any such illicit activity.

"(I) TRAFFICKING IN FIREARMS OR NUCLEAR OR EXPLOSIVE MATERIALS.—Any alien inadmissible if the consular officer or the Attorney General knows or has reason to believe that the alien is or has been engaged in illicit trafficking of firearms (as defined in section 921 of title 18, United States Code), nuclear materials (as defined in section 831 of title 18, United States Code), or explosive materials (as defined in section 841 of title 18, United States Code); or has been a knowing assister, abettor, conspirator, or colluder with others in the illicit activity.".

(b) WAIVER AUTHORITY.—Section 212(h) of the Immigration and Nationality Act (8 U.S.C. 1182) is amended, in the matter preceding paragraph (1)—

(1) by striking "The Attorney General" and all that follows through "of subsection (a)(2)" and inserting the following: "The Attorney General may, as a matter of discretion, waive the application of subparagraphs (A)(i)(I), (B), (D), and (E) of subsection (a)(2),"; and

(2) by inserting before "if—" the following: ", and subparagraph (H) of that subsection insofar as it relates to an offense other than an aggravated felony".

SEC. 303. CLARIFICATION OF INADMISSIBILITY OF PERSONS WHO HAVE BENEFITED FROM ILLICIT ACTIVITIES OF DRUG TRAFFICKERS.

Section 212(a)(2)(C) of the Immigration and Nationality Act (8 U.S.C. 1182 (a)(2)(C)) is amended to read as follows:

"(C) CONTROLLED SUBSTANCE TRAFFICKERS.—Any alien is inadmissible if the consular officer or the Attorney General knows or has reason to believe that the alien is or has been an illicit trafficker in any controlled substance or in any listed chemical or listed precursor chemical (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802)), or is or has been a knowing assister, abettor, conspirator, or colluder with others in the illicit trafficking in any such controlled or listed substance or chemical.".

SEC. 304. INADMISSIBILITY OF PERSONS INVOLVED IN INTERNATIONAL ALIEN SMUGGLING.

Section 212 of the Immigration and Nationality Act (8 U.S.C. 1182) is amended—

(1) in subsection (a)(6), by striking subparagraph (E) and inserting the following:

"(E) SMUGGLERS.—Any alien is inadmissible if, at any time, the alien has knowingly encouraged, induced, assisted, abetted, or aided any other alien—

"(i) to enter or try to enter the United States in violation of law; or

"(ii) to enter or try to enter any other country, if that alien knew or reasonably should have known that the entry or attempted entry was likely to be in furtherance of the entry or attempted entry by that alien into the United States in violation of law."; and

(2) in subsection (d)(11)—

(A) by striking "clause (i) of"; and

(B) by inserting "or to enter any other country in furtherance of an entry or attempted entry into the United States in violation of law" before the period at the end.

SEC. 305. SEIZURE OF ASSETS OF PERSONS ARRESTED ABROAD.

Section 981(b) of title 18, United States Code, is amended by adding at the end the following:

"(3)(A) If any person is arrested or charged in a foreign country in connection with an offense that would give rise to the forfeiture of property in the United States under this section or under the Controlled Substances Act, the Attorney General may apply to any Federal judge or magistrate judge in the district in which the property is located for an ex parte order restraining the property subject to forfeiture for not more than 30 days, except that the time may be extended for good cause shown at a hearing conducted in the manner provided in Rule 43(e), Federal Rules of Civil Procedure.

"(B) An application for a restraining order under subparagraph (A) shall—

"(i) set forth the nature and circumstances of the foreign charges and the basis for belief that the person arrested or charged has property in the United States that would be subject to forfeiture; and

"(ii) contain a statement that the restraining order is necessary to preserve the availability of property for such time as is necessary to receive evidence from the foreign country or elsewhere in support of probable cause for the seizure of the property under this subsection.".

SEC. 306. ADMINISTRATIVE SUMMONS AUTHORITY UNDER THE BANK SECRECY ACT.

Section 5318(b) of title 31, United States Code, is amended by striking paragraph (1) and inserting the following:

"(1) SCOPE OF POWER.—The Secretary of the Treasury may take any action described in paragraph (3) or (4) of subsection (a) for the purpose of—

"(A) determining compliance with the rules of this subchapter or any regulation issued under this subchapter; or

"(B) civil enforcement of violations of this subchapter, section 21 of the Federal Deposit Insurance Act, section 411 of the National Housing Act, or chapter 2 of Public Law 91-508 (12 U.S.C. 1951 et seq.), or any regulation issued under any such provision.".

SEC. 307. CRIMINAL AND CIVIL PENALTIES UNDER THE INTERNATIONAL EMERGENCY ECONOMIC POWERS ACT.

(a) INCREASED CIVIL PENALTY.—Section 206(a) of the International Emergency Economic Powers Act (50 U.S.C. 1705(a)), is amended by striking "$10,000" and inserting "$50,000".

(b) INCREASED CRIMINAL FINE.—Section 206(b) of the International Emergency Economic Powers Act (50 U.S.C. 1705(b)), is amended to read as follows:

"(b) Whoever willfully violates any license, order, or regulation issued under this chapter shall be fined not more than $1,000,000 if an organization (as defined in section 18 of title 18, United States Code), and not more than $250,000, imprisoned not more than 10 years, or both, if an individual.".

SEC. 308. ATTEMPTED VIOLATIONS OF THE TRADING WITH THE ENEMY ACT.

Section 16 of the Trading with the Enemy Act (50 U.S.C. App. 16) is amended—

(1) in subsection (a), by inserting "or attempt to violate" after "violate" each time it appears; and

(2) in subsection (b)(1), by inserting "or attempts to violate" after "violates".

TITLE IV—RESPONDING TO EMERGING INTERNATIONAL CRIME THREATS

SEC. 401. ENHANCED AUTHORITY TO INVESTIGATE COMPUTER FRAUD AND ATTACKS ON COMPUTER SYSTEMS.

Section 2516(1)(c) of title 18, United States Code, is amended by inserting ", a felony violation of section 1030 (relating to computer fraud and attacks on computer systems)" before "section 1992 (relating to wrecking trains)".

SEC. 402. JURISDICTION OVER CERTAIN FINANCIAL CRIMES COMMITTED ABROAD.

Section 1029 of title 18, United States Code, is amended by adding at the end the following:

"(g) JURISDICTION OVER CERTAIN FINANCIAL CRIMES COMMITTED ABROAD.—Any person who, outside the jurisdiction of the United States, engages in any act that, if committed within the jurisdiction of the United States, would constitute an offense under subsection (a) or (b), shall be subject to the same penalties as if that offense had been committed in the United States, if the act—

"(1) involves an access device issued, owned, managed, or controlled by a financial institution, account issuer, credit card system member, or other entity within the jurisdiction of the United States; and

"(2) causes, or if completed would have caused, a transfer of funds from or a loss to an entity listed in paragraph (1).".

TITLE V—PROMOTING GLOBAL COOPERATION IN THE FIGHT AGAINST INTERNATIONAL CRIME

SEC. 501. SHARING PROCEEDS OF JOINT FORFEITURE OPERATIONS WITH COOPERATING FOREIGN AGENCIES.

(a) IN GENERAL.—Section 981(i)(1) of title 18, United States Code, is amended by striking "this chapter" and inserting "any provision of Federal law".

(b) CONFORMING AMENDMENT.—Section 511(e)(1) of the Controlled Substances Act (21 U.S.C. 881(e)(1)) is amended—

(1) in subparagraph (C), by adding "or" at the end;

(2) in subparagraph (D), by striking "; or" and inserting a period; and

(3) by striking subparagraph (E).

SEC. 502. STREAMLINED PROCEDURES FOR EXECUTION OF MLAT REQUESTS.

(a) IN GENERAL.—Chapter 117 of title 28, United States Code, is amended by adding at the end the following:

"§ 1790. Assistance to foreign authorities

"(a) IN GENERAL.—

"(1) PRESENTATION OF REQUESTS.—The Attorney General may present a request made by a foreign government for assistance with respect to a foreign investigation, prosecution, or proceeding regarding a criminal matter pursuant to a treaty, convention, or executive agreement for mutual legal assistance between the United States and that government or in accordance with section 1782, the execution of which requires or appears to require the use of compulsory measures in more than 1 judicial district, to a judge or judge magistrate of—

"(A) any 1 of the districts in which persons who may be required to appear to testify or produce evidence or information reside or are found, or in which evidence or information to be produced is located; or

"(B) the United States District Court for the District of Columbia.

"(2) AUTHORITY OF COURT.—A judge or judge magistrate to whom a request for assistance is presented under paragraph (1) shall have the authority to issue those orders necessary to execute the request including orders appointing a person to direct the taking of testimony or statements and the production of evidence or information, of whatever nature and in whatever form, in execution of the request.

"(b) AUTHORITY OF APPOINTED PERSONS.—A person appointed under subsection (a)(2) shall have the authority to—

"(1) issue orders for the taking of testimony or statements and the production of evidence or information, which orders may be served at any place within the United States;

"(2) administer any necessary oath; and

"(3) take testimony or statements and receive evidence and information.

"(c) PERSONS ORDERED TO APPEAR.—A person ordered pursuant to subsection (b)(1) to appear outside the district in which that person resides or is found may, not later than 10 days after receipt of the order—

"(1) file with the judge or judge magistrate who authorized execution of the request a motion to appear in the district in which that person resides or is found or in which the evidence or information is located; or

"(2) provide written notice, requesting appearance in the district in which the person resides or is found or in which the evidence or information is located, to the person issuing the order to appear, who shall advise the judge or judge magistrate authorizing execution.

"(d) TRANSFER OF REQUESTS.—

"(1) IN GENERAL.—The judge or judge magistrate may transfer a request under subsection (c), or that portion requiring the appearance of that person, to the other district if—

"(A) the inconvenience to the person is substantial; and

"(B) the transfer is unlikely to adversely affect the effective or timely execution of the request or a portion thereof.

"(2) EXECUTION.—Upon transfer, the judge or judge magistrate to whom the request or a portion thereof is transferred shall complete its execution in accordance with subsections (a) and (b).".

(b) TECHNICAL AND CONFORMING AMENDMENT.—The analysis for chapter 117 of title 28, United States Code, is amended by adding at the end the following:

"1790. Assistance to foreign authorities.".

TITLE VI—STREAMLINING THE INVESTIGATION AND PROSECUTION OF INTERNATIONAL CRIMES IN UNITED STATES COURTS

SEC. 601. REIMBURSEMENT OF STATE AND LOCAL LAW ENFORCEMENT AGENCIES IN INTERNATIONAL CRIME CASES.

The Attorney General may obligate, as necessary expenses, from any appropriate appropriation account available to the Department of Justice in fiscal year 1998 or any fiscal year thereafter, the cost of reimbursement to State or local law enforcement agencies for translation services and related expenses, including transportation expenses, in cases involving extradition or requests for mutual legal assistance from foreign governments.

SEC. 602. FACILITATING THE ADMISSION OF FOREIGN RECORDS IN UNITED STATES COURTS.

(a) IN GENERAL.—Chapter 163 of title 28, United States Code, is amended by adding at the end the following:

"§ 2466. Foreign records

"(a) DEFINITIONS.—In this section:

"(1) BUSINESS.—The term 'business' includes business, institution, association, profession, occupation, and calling of every kind whether or not conducted for profit.

"(2) FOREIGN CERTIFICATION.—The term 'foreign certification' means a written declaration made and signed in a foreign country by the custodian of a record of regularly conducted activity or another qualified person, that if falsely made, would subject the maker to criminal penalty under the law of that country.

"(3) FOREIGN RECORD OF REGULARLY CONDUCTED ACTIVITY.—The term 'foreign record of regularly conducted activity' means a memorandum, report, record, or data compilation, in any form, of acts, events, conditions, opinions, or diagnoses, maintained in a foreign country.

"(4) OFFICIAL REQUEST.—The term 'official request' means a letter rogatory, a request under an agreement, treaty or convention, or any other request for information or evidence made by a court of the United States or an authority of the United States having law enforcement responsibility, to a court or other authority of a foreign country.

"(b) FOREIGN RECORDS.—In a civil proceeding in a court of the United States, including civil forfeiture proceedings and proceedings in the United States Claims Court and the United States Tax Court, unless the source of information or the method or circumstances of preparation indicate lack of trustworthiness, a foreign record of regularly conducted activity, or copy of the record, obtained pursuant to an official request, shall not be excluded as evidence by the hearsay rule if the foreign certification is obtained pursuant to subsection (c).

"(c) FOREIGN CERTIFICATION.—A foreign certification meeting the requirements of this subsection is a foreign certification, obtained pursuant to an official request, that adequately identifies the foreign record and attests that—

"(1) the record was made, at or near the time of the occurrence of the matters set forth, by (or from information transmitted by) a person with knowledge of those matters;

"(2) the record was kept in the course of a regularly conducted business activity;

"(3) the business activity made or kept such a record as a regular practice; and

"(4) if the record is not the original, the record is a duplicate of the original.

"(d) AUTHENTICATION.—A foreign certification under this section shall authenticate the record or duplicate.

"(e) CONSIDERATION OF MOTION.—

"(1) NOTICE.—As soon as practicable after a responsive pleading has been filed, a party intending to offer in evidence under this section a foreign record of regularly conducted activity shall provide written notice of that intention to each other party.

"(2) OPPOSING MOTION.—A motion opposing admission in evidence of the record under paragraph (1) shall be made by the opposing party and determined by the court before trial. Failure by a party to file that motion before trial shall constitute a waiver of objection to the record or duplicate, but the court for cause shown may grant relief from the waiver.".

(b) TECHNICAL AND CONFORMING AMENDMENT.—The analysis for chapter 163 of title 28, United States Code, is amended by adding at the end the following:

"2466. Foreign records.".

SEC. 603. PROHIBITING FUGITIVES FROM BENEFITING FROM TIME SERVED ABROAD.

Section 3585 of title 18, United States Code, is amended by adding at the end the following:

"(c) EXCLUSION FOR TIME SERVED ABROAD.—Notwithstanding subsection (b), a defendant shall receive no credit for any time spent in official detention in a foreign country if—

"(1) the defendant fled from, or remained outside of, the United States to avoid prosecution or imprisonment;

"(2) the United States officially requested the return of the defendant to the United States for prosecution or imprisonment; and

"(3) the defendant is in custody in the foreign country pending surrender to the United States for prosecution or imprisonment.".

COMMENDING THE CREW MEMBERS OF THE U.S. NAVY DESTROYERS OF DESRON 61

Mr. CRAIG. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of S. Res. 308, introduced earlier today by Senators DODD and INOUYE.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 308) commending the crew members of the U.S. Navy destroyers of Desron 61 for their heroism, intrepidity and skill in action in the only surface engagement occurring inside Tokyo Bay during World War II.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. DODD. Mr. President, I rise today to commend the crews of the United States Navy destroyers of Destroyer Squadron 61 who participated

in the July 22, 1945 surface naval engagement in Tokyo Bay. That night, the squadron detached from Admiral Halsey's Task Group 38.1, avoided a typhoon, and steamed towards the Japanese mainland. The alert sailors of the squadron identified radar contacts that turned out to be a four-ship Japanese convoy. The squadron commander maneuvered his destroyers on various courses and attacked the convoy with gunfire and torpedoes. At the conclusion of the daring surface engagement, two enemy ships had been sunk, one probably sunk, and one damaged. United States forces suffered neither damage nor casualties. The nine destroyers of the squadron were: U.S.S. *DeHaven*, U.S.S. *Mansfield*, U.S.S. *Swenson*, U.S.S. *Collett*, U.S.S. *Maddox*, U.S.S. *Blue*, U.S.S. *Brush*, U.S.S. *Taussig*, and U.S.S. *Moore*. The sailors who manned those destroyers during this unprecedented operation are deserving of this nation's deepest gratitude, and I hope that my colleagues will join me in this small act of recognition.

Mr. CRAIG. I ask unanimous consent that the resolution and preamble be agreed to en bloc, the motion to reconsider be laid upon the table, and that any statement relating thereto be printed in the RECORD as if read.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 308) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 308

Whereas DesRon 61, a group of nine United States destroyers composed of the U.S.S. DeHaven (DD 727), U.S.S. Mansfield (DD 728), U.S.S. Swenson (DD 729), U.S.S. Collett (DD 730), U.S.S. Maddox (DD 731), U.S.S. Blue (DD 744) U.S.S. Brush (DD 745) U.S.S. Taussig (DD 746) and U.S.S. Moore (DD 747), and commanded by Captain T.H. Hederman, penetrated Tokyo Bay, Japan, on rough seas and at night;

Whereas, although surrounded in darkness, the vigilant and intrepid members of the crews of the United States destroyers were able to detect a Japanese convey attempting to sneak out of Tokyo Bay along the coastline, engage and defeat the heavily-armed warships of the Imperial Japanese Navy escorting the convoy, and subdue the convoy; and

Whereas the victory was gained without the loss of a single sailor or ship: Now, therefore, be it

Resolved, That the Senate, on behalf of the people of the United States commends the members of the crews of the United States Navy destroyers of DesRon 61 who participated in the July 22, 1945, surface naval engagement in Tokyo Bay for their heroism, intrepidity, and skill in battle that contributed to the defeat of Japanese forces in World War II.

Mr. CRAIG. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CRAIG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. MCCONNELL). Without objection, it is so ordered.

RECESS

Mr. CRAIG. Mr. President, I ask unanimous consent that the Senate stand in recess until the hour of 2:30 p.m. today.

There being no objection, at 1 p.m., the Senate recessed until 2:28 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. GORTON).

EXTENSION OF MORNING BUSINESS

The PRESIDING OFFICER. The Chair, in his capacity as a Senator from the State of Washington, asks and grants unanimous consent that morning business be extended until 3:30 p.m., with Senators permitted to speak for up to 5 minutes each, and suggests the absence of a quorum.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. The Chair, in his capacity as a Senator from the State of Washington, rescinds the order for the quorum call.

RECESS SUBJECT TO THE CALL OF THE CHAIR

The PRESIDING OFFICER. The Senate stands in recess subject to the call of the Chair.

There being no objection, the Senate, at 2:45 p.m., recessed until 3:13 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer [Mr. GORTON].

The PRESIDING OFFICER. The acting President, in his capacity as a Senator from the State of Washington, notes the absence of a quorum.

The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. CONRAD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

FEDERAL RESERVE BOARD REDUCES INTEREST RATES

Mr. CONRAD. Mr. President, I have just learned that the Federal Reserve Board has moved to reduce interest rates by a quarter of a point. The irony for me is that about an hour ago, I came to the floor to give a speech to urge the Federal Reserve Board to take action to reduce interest rates. I left my office to come here, and just when I arrived, the Chair had left for the press informational meeting.

I do not know exactly when the Federal Reserve Board acted, but I was going to urge them to take such action because of the growing financial crisis we see around the world. I noted in the speech that I intended to give about an hour ago, urging the Federal Reserve Board to take this action, that recently Newsweek magazine had a cover story entitled "The Crash of 1999: It Doesn't Have to Happen."

I also noted that yesterday in the Wall Street Journal there was an opinion piece by Robert Eisner entitled "Act Now to Prevent a Recession," and a news story also in yesterday's Wall Street Journal indicating that "Asia Waits in Vain for Money to Return."

Mr. President, the point that is critically important to understand is that we cannot be an island unto ourselves. I noted with interest the statement of Alan Greenspan, the head of the Federal Reserve, on September 23, 1998, when he said:

> It is not credible that the United States, or for that matter Europe, can remain an oasis of prosperity unaffected by a world that is experiencing greatly increased stress.

It seems very clear the United States is being affected. We have seen growth in the second quarter of 1998 drop to 1.6 percent—down from 5.5 percent in the first quarter. And if corporate profits sag, the business investment which has accounted for nearly a third of our growth over the last 4 years could decline.

Most importantly, the world economic situation is deeply troubling. If we look at what has happened in world stock markets, going back to September of last year and then looking forward to August of this year, only the United States has been holding up. We have seen dramatic declines in Japan, in Hong Kong, and, of course, a virtual collapse in Russia.

Earlier this summer, I was at a meeting with the Russians in Europe. At that meeting, I met with the top people of their economics institute who went through the actual numbers, the financial numbers, for Russia. And I must say, I left there increasingly alarmed. Frankly, Russia is in much deeper trouble than I think is commonly understood. They explained to me that they have at the national level about $3 billion a month of income—$3 billion. They have about $5 billion of fixed expenses.

Mr. President, they have short-term debt due by the end of this year of $41 billion. They are in deep trouble. They are engaged in a giant Ponzi scheme of taking in money from outside and paying those that they are under the most pressure to pay. None of it adds up.

This financial collapse in Russia, coupled with the Asian financial situation, threatens not only most of the developing world but it also can certainly

have a dramatic effect on economic growth here at home. That is why I believe it is imperative that the United States take action, specifically with regard to the Federal Reserve Board reducing interest rates to give an additional lift to this economy.

I am very pleased that the Federal Reserve Board took action today to reduce rates a quarter of 1 percent. But I think it is going to take more than that to get us through this crisis, to prevent a recession from hitting America.

Total U.S. export volume has fallen nearly 6 percent this year, a very sharp reversal over the steady export increases in the preceding 6 years. In addition, the dollar value of our exports to Asia has dropped 13 percent this year while our trade deficit with Asia is projected to increase by nearly $50 billion from last year.

Prices received by U.S. exporters, including our farmers, have fallen. I represent a farm State, perhaps the most agricultural or certainly one of the most agricultural States in our Nation. I can tell you, we are already in a deep recession because of collapsing commodity prices. Those prices are at a 52-year low, adjusted for inflation. So in real terms, the prices our farmers are getting are at a 52-year low. No wonder we have just had to pass a $6 billion rescue package.

In addition, I think it is important to understand that one of the key reasons the Federal Reserve Board has been reluctant to reduce interest rates is because they are concerned about inflation. Well, I do not think inflation is the threat. There currently is virtually no inflation in the U.S. economy.

Over the last 12 months, consumer prices are up less than 2 percent; in fact, they are up about 1.7 percent. Producer prices are actually declining. We are actually experiencing deflation in producer prices. And at that very moment, the real Federal funds rate is at a very high level. The real rate is at about 4 percent. Historically, if we look at the record, the real Federal funds rate is about 2 percent. So the real rate we are paying for interest on money today is about double the historical rate.

Mr. President, that could be understood if we were facing an inflationary threat. But I believe, and I think the evidence suggests, that the greatest threat we are facing is a threat of recession. That is why I am very pleased the Federal Reserve acted today to reduce rates an additional one-quarter of 1 percent. I was disappointed when, at their last meeting, they did not cut more aggressively. And I hope they do not stop here. Further easing of interest rates is going to be necessary to avoid a very serious economic slowdown not only here but around the rest of the world.

If you look at economic history, when other countries are slowing down—and we have seen dramatic slowdowns in much of Asia, in Russia, and now we are seeing the creeping effect of that slowdown in Central America, in Latin America, and South America—the only way to prevent this all from leading to recession here at home is to give a lift to the economy. And the best and simplest and most direct way to give a lift to this economy is to lower interest rates.

As I have indicated, the real rate of interest in this country is at about double the historical rate. So certainly there is room for additional easing to avoid recession here and to help lift the rest of the world out of economic slowdown—in some cases a recession, in some cases potentially much worse than that.

Mr. President, lower interest rates will expand consumer buying power, provide an important stimulus to the U.S. economy, and help restore consumer confidence, which has dropped markedly since the beginning of the year. Businesses, of course, will also be paying less in interest costs, which will help to sustain profits and to encourage continued strong business investment. Finally, lower interest rates will make other investments in troubled economies more attractive, helping to stem capital outflows from those countries that are so deeply troubled.

Additional interest rate cuts will send important psychological reassurance to world markets and to American consumers and businesses. Cutting interest rates is, I believe, a prudent insurance policy against the threat of recession here at home and a deepening recession abroad.

The Federal Reserve Board should be commended for taking action today. And I would urge them to be prepared to take further action to avoid the kind of slowdown in this country that will only make world recovery that much more difficult.

A BUDGET AGREEMENT

Mr. CONRAD. Mr. President, I also want to note that we have now had a budget agreement. I just heard the announcement of our colleagues that we have reached a conclusion. I know there are details still to be sorted out, but this is good news. But I must say, I do not think we are ending on a proud note. We are going to wind up with eight appropriations bills grouped together in one omnibus package.

That isn't the way we ought to do business here. And, frankly, this situation with omnibus appropriations bills has been getting worse every year. Five bills were grouped together 3 years ago; six bills were grouped together two years ago; and now eight bills will be grouped together this year. This is not the way we ought to conduct ourselves. And I think there was a failure this year, a failure for the first time in 24 years, with no budget resolution. The budget resolution, after all, is the blueprint that guides us in the appropriations process.

I think there was a substantial failure this year, the first time since we have had a Budget Act, a failure to achieve a budget resolution. That slowed the appropriations process and left us in this posture of having to group all of these bills together—which comprise a third of all federal spending—and pass them, perhaps in a vote that won't even be a recorded rollcall vote. It is a sorry spectacle and one which I think brings dishonor to this Chamber.

I hope very much we find a way to avoid this practice in the future. I hope very much that next year we would have a budget resolution, we would have it on time, or close to on time. After all, the budget resolution was supposed to have been done April 15. For the first time in 24 years we did not have a budget resolution. In addition, we missed the deadlines, although that has happened often, but always before we have achieved a budget resolution. This year, for the first time in 24 years, there was none.

I remember very well President Reagan said in his 1987 State of the Union Message that we should never again have a continuing resolution that had multiple appropriations bills all stacked together. In his budget message in February of 1988 he said very clearly to Congress, "Don't do this anymore. Don't do it again. It is wrong." Yet here we are, falling back into these old ways. It is unfortunate.

With respect to this agreement, I think it is also important to say that the surplus has, by and large, been preserved. There are emergency spending measures, that Congress and its Leadership must designate as "emergencies." I think one could question whether all of them really constitute emergencies, but, by and large, they are emergencies. The agriculture emergency, certainly that is an emergency response; the spending for the embassies that were destroyed by terrorist attack, certainly that constitutes emergency spending; much of the spending that is in the defense bill constitutes emergency spending.

Those items, under our own budget rules, are considered outside the normal budget process. We have avoided what some were advocating—a very massive multi-year tax reduction, which would have come directly from the Social Security surplus. I think that would have been a profound mistake. I, for one, believe the American people deserve a tax cut, but I don't think it should come from raiding Social Security surpluses.

Some of the language we use in this town is somewhat misleading. We say that there is a $70 billion surplus on a unified basis. That means when you

put all of the revenue of the Federal Government in the pot and all of the spending of the Federal Government into the same pot, we have $70 billion more in terms of revenue than we have in terms of spending. But it is important to remember that is counting the Social Security funds. This year Social Security is running a $105 billion surplus. If we put the Social Security money aside—which we should do—we would still be running a budget deficit of $35 billion.

Until and unless that operating deficit is ended—and we now project that will end in 2002, and we won't be using any Social Security surpluses in that year, and we will actually balance on what I consider a true basis—until that is achieved, I don't believe it is appropriate to have new nonemergency spending or to have unpaid-for tax cuts. If we are going to have new spending that is nonemergency spending, it ought to be paid for. If we are going to have tax reductions, they ought to be paid for. New spending and new tax breaks should not be paid for by taking it from the Social Security surplus. That is truly robbing Peter to pay Paul.

I am pleased that other than the emergency spending, we don't have new spending that is not offset by cuts in other spending. I am also pleased that we didn't embark on a risky tax cut scheme that would have been paid for, in whole, out of Social Security surpluses. I believe that would have been irresponsible.

I am remiss if I do not end on a note on agriculture. As I indicated, agriculture is critically important to my State. North Dakota has 40 percent of its State's income, 40 percent of its State's economy, based on agriculture. North Dakota, like many agricultural States, is in deep trouble. From 1996 to 1997, we saw farm income decline 98 percent. That is a disaster. That is an emergency by any definition. It is the result of a combination of the lowest prices in 52 years, coupled with natural disasters that have spread the disease called scab through our fields which have reduced production, coupled with bad policy. Frankly, it is a trade policy that allows unfairly traded Canadian grain to sweep into our country, displacing our own grain, reducing our own prices, putting enormous pressure on our farm producers.

In the midst of all of this, our chief competitors, the Canadians and the Europeans, are spending 10 times as much as we are to support their farm producers. They are spending nearly $50 billion a year while we are spending, under the new farm bill, about $5 billion a year.

Those are the pressures that our producers are under. It is an emergency. It is a disaster. I am very pleased that we have responded with a $6 billion package. I want to be swift to say that is not enough. The pain felt by farm families and the hole in income in farm country is so deep that even $6 billion won't fill it, but it will certainly help. We have come a long way from the moment in July that I offered on this floor a $500 million indemnity payment plan for those areas devastated by natural disaster.

I say a special thanks to my colleague, Senator DORGAN, who cosponsored that amendment, and to Senator CRAIG, of Idaho, who is on the floor, who gave great help and support to us in that effort and who has played a leading role in trying to win greater support as the need increased, as natural disasters spread from our part of the country to other parts. We saw later this year drought conditions in Oklahoma, Texas and Louisiana, and hurricanes that affected much of the coastal areas of the southeastern United States. It started in our part of the country but it spread. That required a greater response. Again, I thank my colleague, Senator CRAIG, for the very constructive role that he played in assisting us to get a much stronger, more robust package of disaster assistance.

I yield the floor.

Mr. CRAIG. Let me thank my colleague from North Dakota for those kind words. While he and I might disagree on policy as it relates to how we respond to American agriculture, we did not disagree and we do not disagree on the need. There are consequences if we fail to respond to that need at a time when markets are being taken away from production agriculture in this country. We have seen dramatic declines in commodity prices across the board.

He and I agree on Canadian trade policy. We are very frustrated by what appears to be a one-way flow of commodities out of Canada with very little moving from our side into Canada; and when it attempts to move, finding all kinds of restrictions.

I must tell the Senator from North Dakota I have been very frustrated with this administration, that they have not taken a more aggressive role in trying to determine why those differences have come about and responding to them. Thanks to our Governors, collectively, and our urging, the administration is now making some response in that area. I hope it is very, very productive.

Canadians need to understand that under the North American Free Trade Agreement it is not a one-way street, nor should it be.

I would agree also with my colleague from North Dakota as it relates to the response by the chairman of the Federal Reserve today. We probably would not differ on our concern over the analysis of the current world economic situation. I hope that our economy will respond to lower interest rates, but I must say that our economy also responds to tax cuts. Our economy also responds when consumers are having to pay less to their Federal Government and are allowed more of their own hard-earned money to stay in their pockets.

But this administration was adamant this year, and we were unable to effectively respond to what I thought, and others thought, was a need for a reasonable tax cut in certain areas. There is an interesting analysis that we have just done as it relates to the obstructive nature of policy used on the floor of the Senate this year by our colleagues on the other side. In the last four years, the need for cloture—that is a term used here in a procedural effort to shut down a filibuster effort so that we can proceed to deal with a bill—had to be used four times more than in the preceding years under a Democrat-controlled Senate. In other words, there was a concerted effort this year by my colleagues on the other side of the aisle to simply stop the process, to slow it down, to force cloture, to seek endless debates.

So it becomes very frustrating when you are trying to do the business of the citizens, to move a timely budget process, a timely appropriations process that requires the necessary voting on 13 different appropriations bills to fund Government, to get it done when, day after day, debate is made on issues that are not relevant to the procedure and, in some instances, not relevant to the policy at hand. But that is a tactic that can be used and is legitimate before the Senate. I am not denying its legitimacy; I am denying the repetitiveness in which it was used as compared to the prior four years under a Democrat Senate, with George Mitchell as leader of the U.S. Senate. There has been nearly a four times greater need to file cloture so as to move the process forward. In other words, was there a directed effort to slow down the Congress, to slow down the Senate this year? I think the statistics and the history will clearly demonstrate that is the case.

Be that as it may, it was important that we ultimately finish our work and that we adjourn. We are now on the eve of an adjournment because our work is done. We now have completed the appropriations process. We have done so in a way that dealt with the needs of this administration and the balance of power that, by Constitution, must and does occur in our Government. I will tell you that the end product isn't all that I would like, and there is a lot in it that I don't care for. But that is not unusual in any process where compromise is necessary to produce a final product.

So I am pleased to say that that final product has been produced, that our majority leader labored mightily with the speaker, with representatives from

the administration, and with representatives of our colleagues on the other side of the aisle to resolve this issue. Should it have been done here on the floor in open debate? Yes. If we hadn't had to file over 100 cloture motions in the last four years, the process would have been much different. But that is the character of the Senate itself, and those are the rules under which we operate. Having to deal with those rules and the obstructive nature that can be applied to the process, I think we can declare a successful session. I hope that is the case in the end.

Is the surplus produced by a balanced budget, which Republicans are proud of, intact? Yes, it is, by a very large amount. But it is also important to say that we never argued in the first place that all of the surplus would be held intact, and that it must be guaranteed to Social Security. That was a marker the President laid down. And while we agreed with him that there was adequate money in the surplus to reform Social Security for present and future purposes, it was the President that laid that marker down and, just in the last 48 hours, has tried to redefine what he meant by the marker. I am sorry, Mr. President, "is" is. Let me repeat that for the President. Mr. President, "is" is. We don't need to redefine it. We explain it. We totally understand it. We know what you said in your budget statement. All of the surplus went to Social Security, except you wanted about $20 billion of it to go somewhere else without getting blamed for it, and were simply saying that the argument is much different. We have used a very limited amount of moneys that we had not appropriated that could arguably be called surplus.

But the surplus is intact. The budget is balanced. There is adequate money to begin what I think is a generational opportunity to not only assure and guarantee Social Security in the outyears beyond 2020 but, most importantly, to guarantee that it is done in a way so that our children and our grandchildren will not have to pay excessively to get a reasonable return on a guaranteed retirement annuity as Social Security has become. Those are the issues that we will deal with in a new Congress, and those are issues that are going to be paramount to the strength and stability of our country, and to the well-being of our citizens. I hope that we will deal with them in a reasonable and bipartisan fashion, because the correct solution to Social Security must be bipartisan by its nature and by its definition, and I am sure that we can accomplish that.

Mr. President, with that, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CRAIG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE CALENDAR

Mr. CRAIG. Mr. President, I ask unanimous consent the Judiciary Committee be discharged from consideration of Senate Resolution 129 and that the Senate proceed to its consideration and to the consideration of the following private relief bills and resolutions en bloc:

Calendar No. 604, S. 1460; Calendar No. 603; S. 1202; Calendar No. 672, S. 1961; Calendar No. 605, S. 1551; Calendar No. 669, S. 1171; Calendar No. 671, S. 1916; Calendar No. 675, S. 2476; Calendar No. 673; S. 1926; Calendar No. 678, Senate Resolution 283; and S. 2637.

I ask unanimous consent that the committee amendments be agreed to, the measures be considered read a third time and passed, the title amendments be agreed to, the motions to reconsider be laid upon the table, and that any statements relating to the bills appear at this point in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVATE RELIEF BILL

The bill (S. 1460) for the relief of Alexandre Malofienko, Olga Matsko, and their son, Vladimir Malofienko, was considered, read the third time, and passed; as follows:

S. 1460

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PERMANENT RESIDENCE.

Notwithstanding any other provision of law, for purposes of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.), Alexandre Malofienko, Olga Matsko, and their son, Vladimir Malofienko, shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act upon payment of the required visa fees.

SEC. 2. REDUCTION OF NUMBER OF AVAILABLE VISAS.

Upon the granting of permanent residence to Alexandre Malofienko, Olga Matsko, and their son, Vladimir Malofienko, as provided in this Act, the Secretary of State shall instruct the proper officer to reduce by the appropriate number during the current fiscal year the total number of immigrant visas available to natives of the country of the aliens' birth under section 203(a) of the Immigration and Nationality Act (8 U.S.C. 1153(a)).

PRIVATE RELIEF BILL

The bill (S. 1202) providing for the relief for Sergio Lozano, Fauricio, and Ana Lozano, was considered, read the third time, and passed; as follows:

S. 1202

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PERMANENT RESIDENCE.

Notwithstanding any other provision of law, for purposes of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.), Sergio Lozano, Fauricio Lozano, and Ana Lozano, shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act upon payment of the required visa fees.

PRIVATE RELIEF LEGISLATION

The bill (S. 1961) for the relief of Suchada Kwong, was considered, read the third time, and passed; as follows:

S. 1961

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PERMANENT RESIDENCE.

Notwithstanding any other provision of law, for purposes of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.), Suchada Kwong shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act upon payment of the required visa fees.

PRIVATE RELIEF BILL

The bill (S. 1551) for the relief of Kerantha Poole-Christian, was considered, read the third time, and passed, as follows:

S. 1551

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CLASSIFICATION AS A CHILD UNDER THE IMMIGRATION AND NATIONALITY ACT.

(a) IN GENERAL.—In the administration of the Immigration and Nationality Act, Kerantha Poole-Christian shall be classified as a child within the meaning of section 101(b)(1)(E) of such Act, upon approval of a petition filed on her behalf by Clifton or Linette Christian, citizens of the United States, pursuant to section 204 of such Act.

(b) LIMITATION.—No natural parent, brother, or sister, if any, of Kerantha Poole-Christian shall, by virtue of such relationship, be accorded any right, privilege, or status under the Immigration and Nationality Act.

PRIVATE RELIEF LEGISLATION

The Senate proceeded to consider the bill (S. 1171) for the Janina Altagracia Castillo-Rojas and her husband, Diogenes Patricio Rojas, which had been reported from the Committee on the Judiciary, with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

SECTION 1. CERTIFICATE OF CITIZENSHIP.

(a) CITIZENSHIP STATUS.—Upon the filing of an application for a certificate of citizenship and upon being administered the oath of renunciation and allegiance described in section 337(a) of the Immigration and Nationality Act, Janina Altagracia Castillo-Rojas shall be held and considered to be a citizen of the United States from birth pursuant to section 301(g) of the Immigration and Nationality Act (8 U.S.C. 1401(g)) and shall be furnished by the Attorney General with a certificate of citizenship.

(b) SUPERSEDES EXISTING LAW.—This section supersedes the parental physical presence requirement in section 301(g) of the Immigration and Nationality Act (8 U.S.C. 1401(g)) and any other provision of law.

The committee substitute was agreed to.

The bill (S. 1171), as amended, was considered, read the third time, and passed.

The title was amended so as to read: "For the relief of Janina Altagracia Castillo-Rojas.".

PRIVATE RELIEF LEGISLATION

The Senate proceeded to consider the bill (S. 2476) for the relief of Wei Jengsheng, which had been reported from the Committee on the Judiciary, with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

SECTION 1. PERMANENT RESIDENCE.

Notwithstanding any other provision of law, for purposes of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.), Wei Jingsheng shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act upon payment of the required visa fee.

SEC. 2. REDUCTION OF NUMBER OF AVAILABLE VISAS.

Upon the granting of permanent residence to Wei Jingsheng as provided in this Act, the Secretary of State shall instruct the proper officer to reduce by one during the current fiscal year the total number of immigrant visas available to natives of the country of the alien's birth under section 203(a) of the Immigration and Nationality Act (8 U.S.C. 1153(a)).

Mr. ABRAHAM. Mr. President, I rise today to thank my colleagues for the unanimous support they have given for the Wei Jingsheng Freedom of Conscience Act. This bill will grant lawful permanent residence to writer and philosopher Wei Jingsheng, one of the most heroic individuals the international human rights community has known. I particularly want to mention Senators HATCH, DEWINE, HUTCHINSON, BROWNBACK, HELMS, ROTH, and WELLSTONE, all of whom cosponsored the bill.

Mr. President, Wei has spent literally decades struggling against an oppressive Chinese government. He has called for freedom and democracy through speeches, writings, and as a prominent participant in the Democracy Wall movement. His dedication to the principles we hold dear, and on which our Nation was founded, brought him 15 years of torture and imprisonment at the hands of the Chinese communist regime. Seriously ill, Wei was released only after great international public outcry. Now essentially exiled, he lives in the United States on a temporary visa and cannot return to China without facing further imprisonment.

By granting Wei permanent residence, Mr. President, we will show that America stands by those who are willing to stand up for the principles we cherish. We also will help Wei in his continuing fight for freedom and democracy in China.

I commend my colleagues for sending a strong signal about America's commitment to human rights, human freedom, and the dignity of the individual. I yield the floor.

The committee substitute was agreed to.

The bill (S. 2476), as amended, was considered, read the third time, and passed.

The title was amended so as to read: "For the relief of Wei Jingsheng.".

PRIVATE RELIEF LEGISLATION

The bill (S. 1926) for the relief of Regine Beatie Edwards, was considered, read the third time, and passed; as follows:

S. 1926

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CLASSIFICATION AS A CHILD UNDER THE IMMIGRATION AND NATIONALITY ACT.

(a) IN GENERAL.—In the administration of the Immigration and Nationality Act, Regine Beatie Edwards shall be classified as a child within the meaning of section 101(b)(1)(E) of such Act, upon approval of a petition filed on her behalf by Stan Edwards, a citizen of the United States, pursuant to section 204 of such Act.

(b) LIMITATION.—No natural parent, brother, or sister, if any, of Regine Beatie Edwards shall, by virtue of such relationship, be accorded any right, privilege, or status under the Immigration and Nationality Act.

PRIVATE RELIEF LEGISLATION

The bill (S. 1916) for the relief of Marin Turcinovic, and his fiancee, Corina Dechalup, was considered, read the third time, and passed, as follows:

S. 1916

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PERMANENT RESIDENCE.

Notwithstanding any other provision of law, for purposes of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.), Marin Turcinovic and his fiancee, Corina Dechalup, shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act upon payment of the required visa fees.

SEC. 2. REDUCTION OF NUMBER OF AVAILABLE VISAS.

Upon the granting of permanent residence to Marin Turcinovic and his fiancee, Corina Dechalup, as provided in this Act, the Secretary of State shall instruct the proper officer to reduce by the appropriate number during the current fiscal year the total number of immigrant visas available to natives of the country of the aliens' birth under section 203(a) of the Immigration and Nationality Act (8 U.S.C. 1153(a)).

FOR THE RELIEF OF LLOYD B. GAMBLE

The resolution (S. Res. 283) to refer H.R. 998 entitled "A bill for the relief of Lloyd B. Gamble" to the chief judge of the United States Court of Federal Claims for a report thereon, was considered and agreed to.

The resolution is as follows:

S. RES. 283

Resolved, That (a) H.R. 998 entitled "A bill for the relief of Lloyd B. Gamble" now pending in the Senate, together with all the accompanying papers, is referred to the chief judge of the United States Court of Federal Claims.

(b) The chief judge shall—

(1) proceed according to the provisions of sections 1492 and 2509 of title 28, United States Code; and

(2) report back to the Senate, at the earliest practicable date, providing—

(A) such findings of fact and conclusions that are sufficient to inform the Congress of the nature, extent, and character of the claim for compensation referred to in such bill as a legal or equitable claim against the United States or a gratuity; and

(B) the amount, if any, legally or equitably due from the United States to Mr. Lloyd B. Gamble.

(c) It is the sense of the Senate that if any judgment is entered in favor of Lloyd B. Gamble against the United States, any damages arising from injuries sustained by Lloyd B. Gamble should not exceed $253,488.

PRIVATE RELIEF BILL

The bill (S. 2637) providing for the relief for Belinda McGregor was considered, read the third time, and passes, as follows:

S. 2637

Be in enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PERMANENT RESIDENCE

(a) Notwithstanding any other provision of law, for purposes of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.), Belinda McGregor shall be held and considered to have been selected for a diversity immigrant visa for fiscal year 1999 as of the date of the enactment of this Act upon payment of the required visa fee.

(b) ADJUSTMENT OF STATUS.—If Belinda McGregor, or any child (as defined in section 101(b)(1) of the Immigration and Nationality Act) of Belinda McGregor, enters the United States before the date of the enactment of this Act, he or she shall be considered to have entered and remained lawfully and shall, if otherwise eligible, be eligible for adjustment of status under section 245 of the Immigration and Nationality Act as of the date of the enactment of this Act.

SEC. 2. REDUCTION OF NUMBER OF AVAILABLE VISAS.

Upon the granting of permanent residence to Belinda McGregor as provided in this Act, the Secretary of State shall instruct the proper officer to reduce by one number during the current fiscal year the total number of immigrant visas available to natives of the country of the alien's birth under section 203(c) of the Immigration and Nationality Act (8 U.S.C. 1153(c)).

STRATEGY TO COMBAT MONEY LAUNDERING AND RELATED FINANCIAL CRIMES

Mr. CRAIG. Mr. President, I ask unanimous consent that the Senate

proceed to the immediate consideration of H.R. 1756, which was received from the House.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 1756) to amend chapter 53 of title 31, United States Code, to require the development and implementation by the Secretary of the Treasury of a national money laundering and related financial crimes strategy to combat money laundering and related financial crimes, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

AMENDMENT NO. 3828

(Purpose: To amend the definition of "money laundering and related financial crimes")

Mr. CRAIG. Mr. President, Senators GRASSLEY and D'AMATO have an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Idaho (Mr. CRAIG), for Mr. GRASSLEY, for himself and Mr. D'AMATO, proposes an amendment numbered 3828.

On page 2, strike line 21 and all that follows through page 3, line 3 and insert the following:

"(2) MONEY LAUNDERING AND RELATED FINANCIAL CRIME.—The term 'money laundering and related financial crime'—

"(A) means the movement of illicit cash or cash equivalent proceeds into, out of, or through the United States, or into, out of, or through United States financial institutions, as defined in section 5312 of title 31, United States Code; or

"(B) has the meaning given that term (or the term used for an equivalent offense) under State and local criminal statutes pertaining to the movement of illicit cash or cash equivalent proceeds.".

Mr. GRASSLEY. Mr. President, I am pleased today to see this historic piece of legislation will pass the Senate. After much careful work with Senator D'AMATO, the Treasury Department, and the Justice Department, as well as our colleagues in the other body, we have crafted a bill that I believe will lead to much improved coordination in fighting money laundering. I want to thank everyone involved for their hard work on this legislation.

The bill will hit the criminals where they feel it the most—in their pocketbooks. By implementing a strategy on a national level, hundreds of communities across our country will no longer be held hostage by these criminal enterprises. As you know, money laundering involves disguising financial assets so they can be used without detection of the illegal activity that produced them. Through money laundering, the criminal transforms the monetary proceeds derived from the criminal activity into funds with an apparently legal source. Money laundering provides the resources from drug dealers, terrorists, arms dealers, and other criminals to operate and expand their criminal enterprises. Today, experts estimate that money laundering has grown into a $500 billion problem worldwide.

The Money Laundering and Related Financial Crimes Strategy Act of 1998 will authorize the Secretary of the Treasury, in consultation with the Attorney General and other relevant agencies, to coordinate and implement a national strategy to address the exploitation of our Nation's payment systems to facilitate money laundering and related financial crimes. I look forward to the delivery of this first strategy next February, and believe it will be a valuable document not only for law enforcement agencies, but also for Congress as we look to react to the increasingly inventive ways criminals take advantage of our financial system. I hope this legislation will be the beginning of a serious effort by Congress to impact the growing threat of money laundering not only to our Nation, but worldwide.

Mr. D'AMATO. Today, Mr. President, I urge my colleagues to support the passage of H.R. 1756, the Money Laundering and Financial Crimes Strategy Act of 1997. I am glad that we have been able to reach this point. The House has sent over H.R. 1756, a strong antimoney laundering tool for law enforcement, and after some negotiation, we have amended the language slightly. The House has agreed to accept the compromise and I have a letter from James E. Johnson, Under Secretary for Enforcement at the Treasury Department supporting the goals of this legislation. I ask unanimous consent that the letter be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. D'AMATO. I believe we are now ready to proceed to passage of the bill providing sufficient time for the House to act.

Mr. President, this is an important tool for the counternarcotics effort. Drug traffickers and dealers are destroying our families, communities and the future of our children, and we must fight them with Every weapon at our disposal. This bill will attack drug traffickers by making it harder for these criminals to profit from their illegal windfalls.

Mr. President, through money laundering, drug traffickers are able to take their blood money and launder it clean. Their ill gotten gains are then filtered throughout our economy. Money laundering sustains drug traffickers and arms dealers, as well as terrorists and other criminals searching for a way to prolong their illegal enterprises.

That is why I joined with Senator GRASSLEY and Congresswoman VELÁZQUEZ to develop the Money Laundering and Financial Crimes Strategy Act which the House passed on October 5, 1998. The bill will provide the means for federal, state and local crime fighters to pursue and prosecute the drug traffickers and those that finance their criminal trade.

This bill will allow the Secretary of the Treasury and the Attorney General to create a national money laundering strategy and designate high risk zones. State and local officials within these zones will be encouraged to form a task force and become eligible for enforcement and technical assistance and, most importantly, anti-money laundering grants.

Mr. President, let me explain why this is especially important for New York, where money launderers have benefited from the financial, trade and transportation systems in the metropolitan area. New York is the largest financial center in this country—and one of the top three international money centers in the world. Unfortunately, money launderers have used this infrastructure to pursue their own criminal activities.

Assistance by state and local officers in New York has been invaluable in stopping drug traffickers from sending money back to the cartels. In 1997, in the New York area, law enforcement officials determined that organized narcotics traffickers were using the services of unscrupulous money remitters and their agents to send the proceeds of drug sales back to the drug source countries.

Utilizing a temporary Geographical Targeting Order (GTO) for the New York metropolitan area, remitters and agents were required to report detailed information about the remittances of cash to Colombia of more than $750.

Within a week of the GTO's issuance, the local, state and federal agencies that made up the El Dorado Task Force found that money laundering activity in that area, Jackson Heights, dropped dramatically. The number of remittances to Colombia dropped 95 percent and the dollar amount dropped 97 percent (from $67 million to $2 million). The New York GTO resulted in the seizure of millions in currency that was diverted to bulk shipments through the air and seaports and most importantly, disrupted the profit back to the drug cartels.

Mr. President, this operation was a huge success—thanks to the cooperative efforts of federal, state and local law enforcement. We should build on that cooperation with this legislation.

Law enforcement efforts must follow the financial schemes and cash flows of the drug traffickers. As the drug cartels change their method of laundering their proceeds, law enforcement must respond. This bill provides law enforcement and prosecutors with the resources and flexibility to do just that. This monumental effort will cripple

the drug traffickers where it hurts—in their pockets—and take an important step forward in our war on drugs.

I am proud to have cosponsored the Senate measure with Senator GRASSLEY and to have worked with Representative VELÁZQUEZ to enact this important tool in antidrug efforts.

I urge my colleagues to support this important anticrime bill.

EXHIBIT 1

DEPARTMENT OF THE TREASURY,
Washington, DC, October 8, 1998.

Hon. ALFONSE D'AMATO,
Chairman, Senate Committee on Banking, Housing, and Urban Affairs, Washington, DC.

DEAR MR. CHAIRMAN: During the course of this year we have been following a bill introduced by Congresswoman Velázquez, the "Money Laundering and Related Financial Crimes Strategy Act" (H.R. 1756). On June 16, the Treasury Department provided testimony on H.R. 1756 indicating support for the bill's overall goals and objectives.

We continue to support these goals. We appreciate that Congresswoman Velázquez's bill recognizes the scope of the money laundering problem, and attempts to develop a mechanism to address these challenges. Developing an anti-money laundering strategy could prove useful in setting priorities and communicating them to Congress and the public. Moreover, money laundering enforcement is complex and resource-intensive. Enforcement of money laundering laws could benefit from proper coordination among federal, state, and local law enforcement.

We also appreciate the bill's goal of providing additional resources for state and local antimoney laundering activities. Financial crime investigations are complex and require specialized expertise, as well as resource commitments to follow leads that often take time to develop. Cases themselves may span years and are information-intensive. Because of this, state and local law enforcement could benefit from additional resources and expertise to fully join the fight against money laundering.

We look forward to continuing to work with you and your Committee in combating money laundering and other financial crimes.

Sincerely,

JAMES E. JOHNSON,
Under Secretary (Enforcement).

Mr. CRAIG. Mr. President, I ask unanimous consent that amendment be agreed to, the bill considered read a third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 3828) was agreed to.

The bill (H.R. 1756), as amended, was passed.

GOVERNMENT PAPERWORK ELIMINATION ACT

Mr. CRAIG. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Calendar No. 581, S. 2107.

The PRESIDING OFFICER. Without objection, the clerk will report.

The legislative clerk read as follows:

A bill (S. 2107) to enhance electronic commerce by promoting the reliability and integrity of commercial transactions through establishing authentication standards for electronic communication and for other purposes.

The Senate proceeded to consider the bill, which had been reported from the Committee on Commerce, Science, and Transportation, with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Government Paperwork Elimination Act".

SEC. 2. STUDIES ON USE OF ELECTRONIC SIGNATURES TO ENHANCE ELECTRONIC COMMERCE.

The Secretary shall conduct an ongoing study of the enhancement of electronic commerce and the impact on individual privacy due to the use of electronic signatures pursuant to this Act, and shall report findings to the Commerce Committee of the House and to the Commerce, Science, and Transportation Committee of the Senate not later than 18 months after the date of enactment of this Act.

SEC. 3. ELECTRONIC AVAILABILITY OF FORMS.

(a) NEW FORMS, QUESTIONNAIRES, AND SURVEYS.—The head of an agency or operating unit shall provide for the availability to the affected public in electronic form for downloading or printing through the Internet or other suitable medium of any agency form, questionnaire, or survey created after the date of enactment of this Act that is to be submitted to the agency by more than 1,000 non-government persons or entities per year, except where the head of the agency or operating unit determines by a finding that providing for such availability would be impracticable or otherwise unreasonable.

(b) ALL FORMS, QUESTIONNAIRES, AND SURVEYS.—As soon as practicable, but not later than 18 months after the date of enactment of this Act, each Federal agency shall make all of its forms, questionnaires, and surveys that are expected to be submitted to such agency by more than 1,000 non-government persons or entities per year available to the affected public for downloading or printing through the Internet or other suitable electronic medium. This requirement shall not apply where the head of an agency or operating unit determines that providing such availability for particular form, questionnaire or survey documents would be impracticable or otherwise unreasonable.

(c) APPLICABILITY OF SECTION.—The requirements of this section shall not apply to surveys that are both distributed and collected one-time only or that are provided directly to respondents by the agency.

(d) AVAILABILITY.—Forms subject to this section shall be available for electronic submission (with an electronic signature when necessary) under the provisions of section 8, and shall be available for electronic storage by employers as described in section 7.

(e) PAPER FORMS TO BE AVAILABLE.—Each agency and operating unit shall continue to make forms, questionnaires, and surveys available in paper form.

SEC. 4. PAYMENTS.

In conjunction with the process required by section 8—

(1) where they deem such action appropriate and practicable, and subject to standards or guidance of the Department of the Treasury concerning Federal payments or collections, agencies shall seek to develop or otherwise provide means whereby persons submitting documents electronically are accorded the option of making any payments associated therewith by electronic means.

(2) payments associated with forms, applications, or similar documents submitted electronically, other than amounts relating to additional costs associated with the electronic submission such as charges imposed by merchants in connection with credit card transactions, shall be no greater than the payments associated with the corresponding printed version of such documents.

SEC. 5. USE OF ELECTRONIC SIGNATURES BY FEDERAL AGENCIES.

(a) AGENCY EMPLOYEES TO RECEIVE ELECTRONIC SIGNATURES.—The head of each agency shall issue guidelines for determining how and which employees in each respective agency shall be permitted to use electronic signatures within the scope of their employment.

(b) AVAILABILITY OF ELECTRONIC NOTICE.—An agency may provide a person entitled to receive written notice of a particular matter with the opportunity to receive electronic notice instead.

(c) PROCEDURES FOR ACCEPTANCE OF ELECTRONIC SIGNATURES.—The Director, in consultation with the Secretary, shall coordinate agency actions to comply with the provisions of this Act and shall develop guidelines concerning agency use and acceptance of electronic signatures, and such use and acceptance shall be supported by the issuance of such guidelines as may be necessary or appropriate by the Secretary.

(1) The procedures shall be compatible with standards and technology for electronic signatures as may be generally used in commerce and industry and by State governments, based upon consultation with appropriate private sector and State government standard setting bodies.

(2) Such procedures shall not inappropriately favor one industry or technology.

(3) Under the procedures referred to in subsection (a), an electronic signature shall be as reliable as is appropriate for the purpose, and efforts shall be made to keep the information submitted intact.

(4) Successful submission of an electronic form shall be electronically acknowledged.

(5) In accordance with all other sections of the Act, to the extent feasible and appropriate, and described in a written finding, an agency, when it receives electronically 50,000 submittals of a particular form, shall take all steps necessary to ensure that multiple formats of electronic signatures are made available for submitting such forms.

SEC. 6. ENFORCEABILITY AND LEGAL EFFECT OF ELECTRONIC RECORDS.

Electronic records submitted or maintained in accordance with agency procedures and guidelines established pursuant to the Act, or electronic signatures or other forms of electronic authentication used in accordance with such procedures and guidelines, shall not be denied legal effect, validity or enforceability because they are in electronic form.

SEC. 7. EMPLOYER ELECTRONIC STORAGE OF FORMS.

If an employer is required by any Federal law or regulation to collect or store, or to file with a Federal agency forms containing information pertaining to employees, such employer may, after 18 months after enactment of this Act, store such forms electronically unless the relevant agency determines by regulation that storage of a particular form in an electronic format is inconsistent with the efficient secure or proper administration of an agency program. Such forms shall also be accepted in electronic form by agencies as provided by section 8.

SEC. 8. IMPLEMENTATION BY AGENCIES.

(a) IMPLEMENTATION.—Consistent with the Privacy Protection Act of 1980 (42 U.S.C. 2000aa) and after consultation with the Attorney General, and subject to applicable laws and

regulations pertaining to the Department of the Treasury concerning Federal payments and collections and the National Archives and Records Administration concerning the proper maintenance and preservation of agency records, Federal agencies shall, not later than 18 months after the enactment of this Act, establish and implement policies and procedures under which they will use and authorize the use of electronic technologies in the transmittal of forms, applications, and similar documents or records, and where appropriate, for the creation and transmission of such documents or records and their storage for their required retention period.

(b) ESTABLISHMENT OF A TIMELINE FOR IMPLEMENTATION.—Within 18 months after the date of enactment of this Act, Federal agencies shall establish timelines for the implementation of the requirements of subsection (a).

(c) GENERAL ACCOUNTING OFFICE REPORT.—The Comptroller General shall report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Commerce 21 months after the date of enactment of this Act on the proposed implementation policies and timelines described in subsections (a) and (b).

(d) IMPLEMENTATION DEADLINE.—Except where an agency makes a written finding that electronic filing of a form is either technically infeasible, economically unreasonable, or may compromise national security, all Federal forms must be made available for electronic submission within 60 months after the date of enactment of this Act.

SEC. 9. SENSE OF THE CONGRESS.

Because there is no meaningful difference between contracts executed in the electronic world and contracts executed in the analog world, it is the sense of the Congress that such contracts should be treated similarly under Federal law. It is further the sense of the congress that such contracts should be treated similarly under State law.

SEC. 10. APPLICATION WITH OTHER LAWS.

Nothing in this this Act shall apply to the Department of the Treasury or the Internal Revenue Service, to the extent that—

(1) it involves the administration of the internal revenue laws; and

(2) it conflicts with any provision of the Internal Revenue Service Restructuring and Reform Act of 1998 or the Internal Revenue Code of 1986.

SEC. 11. DEFINITIONS.

For purposes of this Act:

(1) SECRETARY.—The term "Secretary" means the Secretary of Commerce.

(2) AGENCY.—The term "agency" means executive agency, as that term is defined in section 105 of title 5, United States Code.

(3) ELECTRONIC SIGNATURE.—The term "electronic signature" means a method of signing an electronic message that—

(A) identifies a particular person as the source of such electronic message; and

(B) indicates such person's approval of the information contained in such electronic message.

(4) DIRECTOR.—The term "Director" means the Director of the Office of Management and Budget.

(5) FORM, QUESTIONNAIRE, OR SURVEY.—The terms "form", "questionnaire", and "survey" include documents produced by an agency to facilitate interaction between an agency and nongovernment persons.

AMENDMENT NO. 3829

(Purpose: To establish procedures for efficient government paperwork reduction)

Mr. CRAIG. Mr. President, Senator ABRAHAM has an amendment at the desk. I ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Idaho [Mr. CRAIG], for Mr. ABRAHAM, proposes an amendment numbered 3829.

The amendment is as follows:

On page 10, strike out line 7 and all that follows through page 18, line 10, and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Government Paperwork Elimination Act".

SEC. 2. AUTHORITY OF OMB TO PROVIDE FOR ACQUISITION AND USE OF ALTERNATIVE INFORMATION TECHNOLOGIES BY EXECUTIVE AGENCIES.

Section 3504(a)(1)(B)(vi) of title 44, United States Code, is amended to read as follows:

"(vi) the acquisition and use of information technology, including alternative information technologies that provide for electronic submission, maintenance, or disclosure of information as a substitute for paper and for the use and acceptance of electronic signatures.".

SEC. 3. PROCEDURES FOR USE AND ACCEPTANCE OF ELECTRONIC SIGNATURES BY EXECUTIVE AGENCIES.

(a) IN GENERAL.—In order to fulfill the responsibility to administer the functions assigned under chapter 35 of title 44, United States Code, the provisions of the Clinger-Cohen Act of 1996 (divisions D and E of Public Law 104–106) and the amendments made by that Act, and the provisions of this Act, the Director of the Office of Management and Budget shall, in consultation with the National Telecommunications and Information Administration and not later than 18 months after the date of enactment of this Act, develop procedures for the use and acceptance of electronic signatures by Executive agencies.

(b) REQUIREMENTS FOR PROCEDURES.—(1) The procedures developed under subsection (a)—

(A) shall be compatible with standards and technology for electronic signatures that are generally used in commerce and industry and by State governments;

(B) may not inappropriately favor one industry or technology;

(C) shall ensure that electronic signatures are as reliable as is appropriate for the purpose in question and keep intact the information submitted;

(D) shall provide for the electronic acknowledgment of electronic forms that are successfully submitted; and

(E) shall, to the extent feasible and appropriate, require an Executive agency that anticipates receipt by electronic means of 50,000 or more submittals of a particular form to take all steps necessary to ensure that multiple methods of electronic signatures are available for the submittal of such form.

(2) The Director shall ensure the compatibility of the procedures under paragraph (1)(A) in consultation with appropriate private bodies and State government entities that set standards for the use and acceptance of electronic signatures.

SEC. 4. DEADLINE FOR IMPLEMENTATION BY EXECUTIVE AGENCIES OF PROCEDURES FOR USE AND ACCEPTANCE OF ELECTRONIC SIGNATURES.

In order to fulfill the responsibility to administer the functions assigned under chapter 35 of title 44, United States Code, the provisions of the Clinger-Cohen Act of 1996 (divisions D and E of Public Law 104–106) and the amendments made by that Act, and the provisions of this Act, the Director of the Office of Management and Budget shall ensure that, commencing not later than five years after the date of enactment of this Act, Executive agencies provide—

(1) for the option of the electronic maintenance, submission, or disclosure of information, when practicable as a substitute for paper; and

(2) for the use and acceptance of electronic signatures, when practicable.

SEC. 5. ELECTRONIC STORAGE AND FILING OF EMPLOYMENT FORMS.

In order to fulfill the responsibility to administer the functions assigned under chapter 35 of title 44, United States Code, the provisions of the Clinger-Cohen Act of 1996 (divisions D and E of Public Law 104–106) and the amendments made by that Act, and the provisions of this Act, the Director of the Office of Management and Budget shall, not later than 18 months after the date of enactment of this Act, develop procedures to permit private employers to store and file electronically with Executive agencies forms containing information pertaining to the employees of such employers.

SEC. 6. STUDY ON USE OF ELECTRONIC SIGNATURES.

(a) ONGOING STUDY REQUIRED.—In order to fulfill the responsibility to administer the functions assigned under chapter 35 of title 44, United States Code, the provisions of the Clinger-Cohen Act of 1996 (divisions D and E of Public Law 104–106) and the amendments made by that Act, and the provisions of this Act, the Director of the Office of Management and Budget shall, in cooperation with the National Telecommunications and Information Administration, conduct an ongoing study of the use of electronic signatures under this title on—

(1) paperwork reduction and electronic commerce;

(2) individual privacy; and

(3) the security and authenticity of transactions.

(b) REPORTS.—The Director shall submit to Congress on a periodic basis a report describing the results of the study carried out under subsection (a).

SEC. 7. ENFORCEABILITY AND LEGAL EFFECT OF ELECTRONIC RECORDS.

Electronic records submitted or maintained in accordance with procedures developed under this Act, or electronic signatures or other forms of electronic authentication used in accordance with such procedures, shall not be denied legal effect, validity, or enforceability because such records are in electronic form.

SEC. 8. DISCLOSURE OF INFORMATION.

Except as provided by law, information collected in the provision of electronic signature services for communications with an executive agency, as provided by this Act, shall only be used or disclosed by persons who obtain, collect, or maintain such information as a business or government practice, for the purpose of facilitating such communications, or with the prior affirmative consent of the person about whom the information pertains.

SEC. 9. APPLICATION WITH INTERNAL REVENUE LAWS.

No provision of this Act shall apply to the Department of the Treasury or the Internal Revenue Service to the extent that such provision—

(1) involves the administration of the internal revenue laws; or

(2) conflicts with any provision of the Internal Revenue Service Restructuring and Reform Act of 1998 or the Internal Revenue Code of 1986.

SEC. 10. DEFINITIONS.

For purposes of this Act:

(1) ELECTRONIC SIGNATURE.—The term "electronic signature" means a method of signing an electronic message that—

(A) identifies and authenticates a particular person as the source of the electronic message; and

(B) indicates such person's approval of the information contained in the electronic message.

(2) EXECUTIVE AGENCY.—The term "Executive agency" has the meaning given that term in section 105 of title 5, United States Code.

Mr. ABRAHAM. Mr. President, I wish to take a moment to discuss language that has been added to this legislation, the Government Paperwork Elimination Act. In May, I introduced S. 2107 to enhance electronic commerce and promote the reliability and integrity of commercial transactions through the establishment of authentication standards for electronic communications. S. 2107 was reported by the Committee on Commerce, Science, and Transportation last month.

After the bill was reported, it was discovered that the bill was erroneously referred to the Commerce Committee and should have been referred to the Committee on Governmental Affairs. S. 2107 deals with Federal Government information issues and, according to the parliamentarian, falls directly within the jurisdiction of Governmental Affairs. I understand a similar bill had been approved by Governmental Affairs last Congress.

Obviously, this was discovered late in the session. Nevertheless, Senator THOMPSON, the chairman of the Governmental Affairs Committee, worked with me to develop language which combines language from the bill reported by his committee last Congress and S. 2107. I want to thank my colleague from Tennessee for his help and insight. He spent a great deal of time assisting me with this legislation and, in my opinion, his language makes many improvements to the original bill.

Mr. LEAHY. Mr. President, the digitization of information and the explosion in the growth of computing and electronic networking offer tremendous potential benefits to the way Americans live, work, conduct commerce, and interact with their government. This bill, S. 2107, will make the United States government more accessible and accountable to the citizenry by directing federal agencies to accept "electronic signatures" for government forms that are submitted electronically.

I am pleased that Senator ABRAHAM has addressed my concerns about the privacy issues raised by this legislation. As reported out of committee, S. 2107 would have established a framework for government use of electronic signatures without putting in place any privacy protections for the vast amounts of personal information collected in the process. Without such protections, people could be forced to sacrifice their privacy as the price of communicating with the government electronically.

For example, to submit a particular form electronically, a person might be required to use an electronic signature technology that offers a high level of security, such as the increasingly popular cryptographic digital signature. This will usually involve the use of a commercial third party—we'll call it "X Corp."—to guarantee the person's identity. X Corp. will need to collect detailed personal information about the person, such as home address, phone number, social security number, date of birth, and even credit information. Some of the most secure systems even collect biometric information such as fingerprints or handwritten signatures. X Corp. might also collect information about how the person uses electronic signature services, amassing a detailed dossier of the person's activities on-line. Nothing in the original bill prevented X Corp. from using or selling such private information without permission.

We have corrected this oversight by adding forward-looking privacy protections to the amendment, which strictly limit the ways in which information collected as a byproduct of electronic communications with the government can be used or disclosed to others. The provision we have crafted is designed to prevent anyone who collects personal information in the course of providing electronic signatures for use with government agencies from inappropriately disclosing that information.

We recognize that this is just the beginning of Congress's efforts to address the new privacy issues raised by electronic government and the information age. Congress will almost certainly be called upon in the next session to consider broader electronic signature legislation, and issues of law enforcement access to electronic data and mechanisms for enforcing privacy rights in cyberspace will need to be part of that discussion. For the time being, however, this legislation will ensure that Americans can interact with their government on-line, and that they can do so with the necessary safeguards in place to protect their privacy and security.

Mr. THOMPSON. Mr. President, I thank my colleague from Michigan for his hard work on and dedication to information technology issues. The Committee on Governmental Affairs which I chair has had a long and involved history with this issue.

This bill which we are addressing today seeks to take advantage of the advances in modern technology to lessen the paperwork burdens on those who deal with the Federal Government. This is accomplished by requiring the Office of Management and Budget, through its existing responsibilities under the Paperwork Reduction Act and the Clinger-Cohen Act, to develop policies to promote the use of alternative information technologies, including the use of electronic maintenance, submission, or disclosure of information to substitute for paper, and the use of acceptance of electronic signatures.

The Federal Government is lagging behind the rest of the nation in using new technologies. Individuals who deal with the Federal Government should be able to reduce the cumulative burden of meeting the Federal Government's information demands through the use of information technology. This bill hopefully will provide the motivation that the Federal Government needs to make this possible for our Nation's citizens.

I thank Senator ABRAHAM for offering us the opportunity to work with him on this important issue.

Mr. CRAIG. Mr. President, I ask unanimous consent the amendment be agreed to, the bill be considered read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 3829) was agreed to.

The bill (S. 2107), as amended, was considered read the third time and passed, as follows:

S. 2107

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Government Paperwork Elimination Act".

SEC. 2. AUTHORITY OF OMB TO PROVIDE FOR ACQUISITION AND USE OF ALTERNATIVE INFORMATION TECHNOLOGIES BY EXECUTIVE AGENCIES.

Section 3504(a)(1)(B)(vi) of title 44, United States Code, is amended to read as follows:

"(vi) the acquisition and use of information technology, including alternative information technologies that provide for electronic submission, maintenance, or disclosure of information as a substitute for paper and for the use and acceptance of electronic signatures.".

SEC. 3. PROCEDURES FOR USE AND ACCEPTANCE OF ELECTRONIC SIGNATURES BY EXECUTIVE AGENCIES.

(a) IN GENERAL.—In order to fulfill the responsibility to administer the functions assigned under chapter 35 of title 44, United States Code, the provisions of the Clinger-Cohen Act of 1996 (divisions D and E of Public Law 104-106) and the amendments made by that Act, and the provisions of this Act, the Director of the Office of Management and Budget shall, in consultation with the National Telecommunications and Information Administration and not later than 18 months after the date of enactment of this Act, develop procedures for the use and acceptance of electronic signatures by Executive agencies.

(b) REQUIREMENTS FOR PROCEDURES.—(1) The procedures developed under subsection (a)—

(A) shall be compatible with standards and technology for electronic signatures that are generally used in commerce and industry and by State governments;

(B) may not inappropriately favor one industry or technology;

(C) shall ensure that electronic signatures are as reliable as is appropriate for the purpose in question and keep intact the information submitted;

(D) shall provide for the electronic acknowledgment of electronic forms that are successfully submitted; and

(E) shall, to the extent feasible and appropriate, require an Executive agency that anticipates receipt by electronic means of 50,000 or more submittals of a particular form to take all steps necessary to ensure that multiple methods of electronic signatures are available for the submittal of such form.

(2) The Director shall ensure the compatibility of the procedures under paragraph (1)(A) in consultation with appropriate private bodies and State government entities that set standards for the use and acceptance of electronic signatures.

SEC. 4. DEADLINE FOR IMPLEMENTATION BY EXECUTIVE AGENCIES OF PROCEDURES FOR USE AND ACCEPTANCE OF ELECTRONIC SIGNATURES.

In order to fulfill the responsibility to administer the functions assigned under chapter 35 of title 44, United States Code, the provisions of the Clinger-Cohen Act of 1996 (divisions D and E of Public Law 104–106) and the amendments made by that Act, and the provisions of this Act, the Director of the Office of Management and Budget shall ensure that, commencing not later than five years after the date of enactment of this Act, Executive agencies provide—

(1) for the option of the electronic maintenance, submission, or disclosure of information, when practicable as a substitute for paper; and

(2) for the use and acceptance of electronic signatures, when practicable.

SEC. 5. ELECTRONIC STORAGE AND FILING OF EMPLOYMENT FORMS.

In order to fulfill the responsibility to administer the functions assigned under chapter 35 of title 44, United States Code, the provisions of the Clinger-Cohen Act of 1996 (divisions D and E of Public Law 104–106) and the amendments made by that Act, and the provisions of this Act, the Director of the Office of Management and Budget shall, not later than 18 months after the date of enactment of this Act, develop procedures to permit private employers to store and file electronically with Executive agencies forms containing information pertaining to the employees of such employers.

SEC. 6. STUDY ON USE OF ELECTRONIC SIGNATURES.

(a) ONGOING STUDY REQUIRED.—In order to fulfill the responsibility to administer the functions assigned under chapter 35 of title 44, United States Code, the provisions of the Clinger-Cohen Act of 1996 (divisions D and E of Public Law 104–106) and the amendments made by that Act, and the provisions of this Act, the Director of the Office of Management and Budget shall, in cooperation with the National Telecommunications and Information Administration, conduct an ongoing study of the use of electronic signatures under this title on—

(1) paperwork reduction and electronic commerce;

(2) individual privacy; and

(3) the security and authenticity of transactions.

(b) REPORTS.—The Director shall submit to Congress on a periodic basis a report describing the results of the study carried out under subsection (a).

SEC. 7. ENFORCEABILITY AND LEGAL EFFECT OF ELECTRONIC RECORDS.

Electronic records submitted or maintained in accordance with procedures developed under this Act, or electronic signatures or other forms of electronic authentication used in accordance with such procedures, shall not be denied legal effect, validity, or enforceability because such records are in electronic form.

SEC. 8. DISCLOSURE OF INFORMATION.

Except as provided by law, information collected in the provision of electronic signature services for communications with an executive agency, as provided by this Act, shall only be used or disclosed by persons who obtain, collect, or maintain such information as a business or government practice, for the purpose of facilitating such communications, or with the prior affirmative consent of the person about whom the information pertains.

SEC. 9. APPLICATION WITH INTERNAL REVENUE LAWS.

No provision of this Act shall apply to the Department of the Treasury or the Internal Revenue Service to the extent that such provision—

(1) involves the administration of the internal revenue laws; or

(2) conflicts with any provision of the Internal Revenue Service Restructuring and Reform Act of 1998 or the Internal Revenue Code of 1986.

SEC. 10. DEFINITIONS.

For purposes of this Act:

(1) ELECTRONIC SIGNATURE.—The term "electronic signature" means a method of signing an electronic message that—

(A) identifies and authenticates a particular person as the source of the electronic message; and

(B) indicates such person's approval of the information contained in the electronic message.

(2) EXECUTIVE AGENCY.—The term "Executive agency" has the meaning given that term in section 105 of title 5, United States Code.

AMENDING TITLE 35, UNITED STATES CODE, TO PROTECT PATENT OWNERS AGAINST THE UNAUTHORIZED SALE OF PLANT PARTS

Mr. CRAIG. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 1197, which was received from the House.

The PRESIDING OFFICER. Without objection, the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 1197) to amend title 35, United States Code, to protect patent owners against the unauthorized sale of plant parts taken from plants illegally reproduced, and for other purposes.

The Senate proceeded to consider the bill.

AMENDMENT NO. 3830

(Purpose: To provide for access to electronic patent information)

Mr. CRAIG. Mr. President, Senators LEAHY, SMITH of Oregon, and HATCH have an amendment at the desk. I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Idaho [Mr. CRAIG], for Mr. LEAHY, for himself, Mr. SMITH of Oregon and Mr. HATCH, proposes an amendment numbered 3830.

The amendment is as follows:

At the end of the bill add the following:

SEC. 4. ACCESS TO ELECTRONIC PATENT INFORMATION.

(a) IN GENERAL.—The United States Patent and Trademark Office shall develop and implement statewide computer networks with remote library sites in requesting rural States such that citizens in those States will have enhanced access to information in their State's patent and trademark depository library.

(b) DEFINITION.—In this section, the term "rural States" means the States that qualified on January 1, 1997, as rural States under section 1501(b) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 379bb(b)).

Mr. LEAHY. Mr. President, I am pleased that the Senate is considering the "Plant Patent Amendments Act of 1998," H.R. 1197. This legislation closes a loophole in the law by providing patent protection, not only for an entire plant, but for parts of a plant as well.

Since the 1930s, U.S. patent law has benefited agriculture, horticulture and the public by providing an incentive for breeders to develop new plant varieties. This incentive is the availability of patents for new plant varieties.

An unforeseen ambiguity in the law, however, is undermining the incentives for breeders holding U.S. plant patents. Because current U.S. law only provides patent protection for entire plants, plant parts are being traded in U.S. markets to the detriment of U.S. plant patent holders. The resulting lost royalty income has been inhibiting investment in domestic research and breeding activities associated with a wide variety of crops.

By clearly and explicitly providing that U.S. patent law protects the owner of a plant patent against the unauthorized sale of plant parts taken from plants illegally reproduced, H.R. 1197 will close the existing loophole in the law and will strengthen the ability of U.S. plant patent holders to enforce their patent rights.

Another matter of special interest to me is the amendment that I offered to the "Plant Patent Amendments Act of 1998" to enhance access to all types of patent information. I have long thought that electronic access should be more widespread and want to work with the United States Patent and Trademark Office (PTO) to ensure the effective implementation of statewide

electronic accessibility of patent information in rural states and eventually in all areas to make it easier for inventors to study prior art and make further advances. This should be of particular benefit to Vermont, which last year established a patent and trademark depository library.

The Articles of Association of the Vermont Patent and Trademark Depository Library (Vermont PTDL) state that the library will "create a vital educational and economic development resource that will provide all Vermonters with access to patent and trademark records and supporting research materials and reference services." At this time, however, all Vermonters do not, in a practical sense, have access to the wealth of resources at the Vermont PTDL. In fact, it can be as much as a four hour drive for certain Vermont citizens to drive to the Vermont PTDL at the University of Vermont's Bailey/Howe Library.

The intent of my amendment, which is cosponsored by Senator ORRIN HATCH of Utah and Senator GORDON SMITH of Oregon, is for the PTO to work with the people in the trenches currently operating the patent and trademark depository libraries to develop and implement the statewide computer networks with remote library sites; it only makes sense for the PTO to work with the people who most fully understand the needs of the constituents they currently serve and may serve in the future.

This legislation is timely, because the Senate is considering the United States Patent and Trademark Office Reauthorization Act, Fiscal Year 1999, H.R. 3723. As the lead Senate Democratic champion for H.R. 3723, I am hopeful that the Senate will pass this measure today so the PTO will not suffer a reduction in revenue for the current fiscal year. I am also committed to working with the PTO, now and in the future, as it ensures the effective implementation of statewide electronic accessibility of patent information in rural states.

I would like to pay a special thanks to Eric Benson, President of Vermont PTDL, former State representative Kerry Kurt, who was instrumental in the development of the Vermont PTDL, and everybody who serves on the Board of the Vermont PTDL. These Vermonters were the inspiration for my amendment, and they have worked hard to make the Vermont PTDL an asset of which all Vermonters can be proud.

Mr. HATCH. Mr. President, I rise today in support of Senate passage of H.R. 1197, the Plant Patents Amendment Act of 1997. This legislation, passed by the House last Friday, would close a loophole in the Patent Act through which foreign infringers are able to exploit the products of their infringements within the United States, depriving American plant patent owners of millions of dollars in royalties. This bill is identical to legislation introduced in the Senate by Senator GORDON SMITH, and its substantive provisions are mirrored in the omnibus patent bill I introduced and which was reported favorably to the Senate by the Judiciary Committee last year.

The development of new plant varieties in the United States is encouraged by chapter 15 of the Patent Act, which grants patent-like protection to anyone who develops new, distinct varieties of asexually reproduced plants. Plant patent owners are rewarded for their ingenuity with a limited monopoly that allows them to prevent others from asexually reproducing the plant or selling or using a plant so reproduced.

The so-called loophole exists because the sale or use of plant parts is not explicitly prohibited. As a result, plant patent owners must stand by while their patents are infringed abroad and the products of such infringement—for example, fruit or cut flowers—are then imported to and sold within the United States, without a single dime in royalty revenue to the patent owner. This is no small problem. Royalty losses with respect to some key horticultural plants have been estimated to reach between $50 to $100 million over the past five to ten years. This is money that rightfully should be directed to American plant patent owners—many of whom are small businesses and family farmers—and which would otherwise contribute tremendously to the U.S. economy.

Enactment of this legislation is not only good for American business and the economy, it is consistent with our international treaty obligations. The International Convention for the Protection of New Varieties of Plants (UPOV) was last revised in March 1991, and the United States signed the convention in October 1991. This convention provides protection for plant breeders by requiring member countries to accord certain plant patent rights, including specifically the right to prohibit others from selling, importing, or exporting harvested material (i.e., plant parts) derived from unauthorized asexually reproduced plants.

Mr. President, I had hoped to enact this change in the context of a comprehensive patent reform bill. I am disappointed that consideration of that bill has been blocked by a few senators with unrelated and rather non-descript objections, and that we are forced to take this measure up as a stand-alone bill. Nevertheless, I am pleased that the House has acted on this measure, and I commend the efforts of my colleague, Senator SMITH, to bring this bill to a vote in the Senate.

Mr. CRAIG. Mr. President, I ask unanimous consent the amendment be agreed to, the bill be considered read a third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 3830) was agreed to.

The bill (H.R. 1197), as amended, was considered read the third time and passed.

THROTTLE CRIMINAL USE OF GUNS

Mr. CRAIG. Mr. President, I ask the Chair lay before the Senate a message from the House of Representatives on the bill (S. 191) to throttle criminal use of guns.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the bill from the Senate (S. 191) entitled "An Act to throttle criminal use of guns", do pass with the following amendment:

Strike out all after the enacting clause and insert:

SECTION 1. AMENDMENT TO TITLE 18, UNITED STATES CODE.

(a) IN GENERAL.—Section 924(c) of title 18, United States Code, is amended—

(1) by striking "(c)" and all that follows through the end of paragraph (1) and inserting the following:

"(c)(1)(A) Except to the extent that a greater minimum sentence is otherwise provided by this subsection or by any other provision of law, any person who, during and in relation to any crime of violence or drug trafficking crime (including a crime of violence or drug trafficking crime that provides for an enhanced punishment if committed by the use of a deadly or dangerous weapon or device) for which the person may be prosecuted in a court of the United States, uses or carries a firearm, or who, in furtherance of any such crime, possesses a firearm, shall, in addition to the punishment provided for such crime of violence or drug trafficking crime—

"(i) be sentenced to a term of imprisonment of not less than 5 years;

"(ii) if the firearm is brandished, be sentenced to a term of imprisonment of not less than 7 years; and

"(iii) if the firearm is discharged, be sentenced to a term of imprisonment of not less than 10 years.

"(B) If the firearm possessed by a person convicted of a violation of this subsection—

"(i) is a short-barreled rifle, short-barreled shotgun, or semiautomatic assault weapon, the person shall be sentenced to a term of imprisonment of not less than 10 years; or

"(ii) is a machinegun or a destructive device, or is equipped with a firearm silencer or firearm muffler, the person shall be sentenced to a term of imprisonment of not less than 30 years.

"(C) In the case of a second or subsequent conviction under this subsection, the person shall—

"(i) be sentenced to a term of imprisonment of not less than 25 years; and

"(ii) if the firearm involved is a machinegun or a destructive device, or is equipped with a firearm silencer or firearm muffler, be sentenced to imprisonment for life.

"(D) Notwithstanding any other provision of law—

"(i) a court shall not place on probation any person convicted of a violation of this subsection; and

"(ii) no term of imprisonment imposed on a person under this subsection shall run concurrently with any other term of imprisonment imposed on the person, including any term of imprisonment imposed for the crime of violence or drug trafficking crime during which the firearm was used, carried, or possessed."; and

(2) by adding at the end the following:

"(4) For purposes of this subsection, the term 'brandish' means, with respect to a firearm, to display all or part of the firearm, or otherwise make the presence of the firearm known to another person, in order to intimidate that person, regardless of whether the firearm is directly visible to that person.".

(b) CONFORMING AMENDMENT.—Section 3559(c)(2)(F)(i) of title 18, United States Code, is amended by inserting "firearms possession (as described in section 924(c));" after "firearms use;".

Mr. CRAIG. I ask unanimous consent the Senate agree to the amendment of the House.

The PRESIDING OFFICER. Without objection, it is so ordered.

RHINO AND TIGER PRODUCT LABELING ACT

Mr. CRAIG. Mr. President, I ask the Chair lay before the Senate a message from the House of Representatives on the bill (H.R. 2807) to amend the Rhinoceros and Tiger Conservation Act of 1994 to prohibit the sale, importation, and exportation of products labeled as containing substances derived from rhinoceros or tiger.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the House agree to the amendment of the Senate to the bill (H.R. 2807) entitled "An Act to amend the Rhinoceros and Tiger Conservation Act of 1994 to prohibit the sale, importation, and exportation of products labeled as containing substances derived from rhinoceros or tiger", with the following amendments:

In lieu of the matter proposed to be inserted by the amendment of the Senate, insert the following:

TITLE I—MIGRATORY BIRD TREATY REFORM

SEC. 101. SHORT TITLE.

This title may be cited as the "Migratory Bird Treaty Reform Act of 1998".

SEC. 102. ELIMINATING STRICT LIABILITY FOR BAITING.

Section 3 of the Migratory Bird Treaty Act (16 U.S.C. 704) is amended—

(1) by inserting "(a)" after "SEC. 3."; and

(2) by adding at the end the following:

"(b) It shall be unlawful for any person to—

"(1) take any migratory game bird by the aid of baiting, or on or over any baited area, if the person knows or reasonably should know that the area is a baited area; or

"(2) place or direct the placement of bait on or adjacent to an area for the purpose of causing, inducing, or allowing any person to take or attempt to take any migratory game bird by the aid of baiting on or over the baited area.".

SEC. 103. CRIMINAL PENALTIES.

Section 6 of the Migratory Bird Treaty Act (16 U.S.C. 707) is amended—

(1) in subsection (a), by striking "$500" and inserting "$15,000";

(2) by redesignating subsection (c) as subsection (d); and

(3) by inserting after subsection (b) the following:

"(c) Whoever violates section 3(b)(2) shall be fined under title 18, United States Code, imprisoned not more than 1 year, or both.".

SEC. 104. REPORT.

Not later than 5 years after the date of enactment of this Act, the Secretary of the Interior shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Resources of the House of Representatives a report analyzing the effect of the amendments made by section 2, and the general practice of baiting, on migratory bird conservation and law enforcement efforts under the Migratory Bird Treaty Act (16 U.S.C. 701 et seq.).

TITLE II—NATIONAL WILDLIFE REFUGE SYSTEM IMPROVEMENT

SEC. 201. SHORT TITLE.

This title may be cited as the "National Wildlife Refuge System Improvement Act of 1998".

SEC. 202. UPPER MISSISSIPPI RIVER NATIONAL WILDLIFE AND FISH REFUGE.

(a) IN GENERAL.—In accordance with section 4(a)(5) of the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd(a)(5)), there are transferred to the Corps of Engineers, without reimbursement, approximately 37.36 acres of land of the Upper Mississippi River Wildlife and Fish Refuge in the State of Minnesota, as designated on the map entitled "Upper Mississippi National Wildlife and Fish Refuge lands transferred to Corps of Engineers", dated January 1998, and available, with accompanying legal descriptions of the land, for inspection in appropriate offices of the United States Fish and Wildlife Service.

(b) CONFORMING AMENDMENTS.—The first section and section 2 of the Upper Mississippi River Wild Life and Fish Refuge Act (16 U.S.C. 721, 722) are amended by striking "Upper Mississippi River Wild Life and Fish Refuge" each place it appears and inserting "Upper Mississippi River National Wildlife and Fish Refuge".

SEC. 203. KILLCOHOOK COORDINATION AREA.

(a) IN GENERAL.—In accordance with section 4(a)(5) of the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd(a)(5)), the jurisdiction of the United States Fish and Wildlife Service over approximately 1,439.26 acres of land in the States of New Jersey and Delaware, known as the "Killcohook Coordination Area", as established by Executive Order No. 6582, issued February 3, 1934, and Executive Order No. 8648, issued January 23, 1941, is terminated.

(b) EXECUTIVE ORDERS.—Executive Order No. 6582, issued February 3, 1934, and Executive Order No. 8648, issued January 23, 1941, are revoked.

SEC. 204. LAKE ELSIE NATIONAL WILDLIFE REFUGE.

(a) IN GENERAL.—In accordance with section 4(a)(5) of the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd(a)(5)), the jurisdiction of the United States Fish and Wildlife Service over approximately 634.7 acres of land and water in Richland County, North Dakota, known as the "Lake Elsie National Wildlife Refuge", as established by Executive Order No. 8152, issued June 12, 1939, is terminated.

(b) EXECUTIVE ORDER.—Executive Order No. 8152, issued June 12, 1939, is revoked.

SEC. 205. KLAMATH FOREST NATIONAL WILDLIFE REFUGE.

Section 28 of the Act of August 13, 1954 (25 U.S.C. 564w–1), is amended in subsections (f) and (g) by striking "Klamath Forest National Wildlife Refuge" each place it appears and inserting "Klamath Marsh National Wildlife Refuge".

SEC. 206. VIOLATION OF NATIONAL WILDLIFE REFUGE SYSTEM ADMINISTRATION ACT.

Section 4 of the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd) is amended—

(1) in the first sentence of subsection (c), by striking "knowingly"; and

(2) in subsection (f)—

(A) by striking "(f) Any" and inserting the following:

"(f) PENALTIES.—

"(1) KNOWING VIOLATIONS.—Any";

(B) by inserting "knowingly" after "who"; and

(C) by adding at the end the following:

"(2) OTHER VIOLATIONS.—Any person who otherwise violates or fails to comply with any of the provisions of this Act (including a regulation issued under this Act) shall be fined under title 18, United States Code, or imprisoned not more than 180 days, or both.".

TITLE III—WETLANDS AND WILDLIFE ENHANCEMENT

SEC. 301. SHORT TITLE.

This title may be cited as the "Wetlands and Wildlife Enhancement Act of 1998".

SEC. 302. REAUTHORIZATION OF NORTH AMERICAN WETLANDS CONSERVATION ACT.

Section 7(c) of the North American Wetlands Conservation Act (16 U.S.C. 4406(c)) is amended by striking "not to exceed" and all that follows and inserting "not to exceed $30,000,000 for each of fiscal years 1999 through 2003.".

SEC. 303. REAUTHORIZATION OF PARTNERSHIPS FOR WILDLIFE ACT.

Section 7105(h) of the Partnerships for Wildlife Act (16 U.S.C. 3744(h)) is amended by striking "for each of fiscal years" and all that follows and inserting "not to exceed $6,250,000 for each of fiscal years 1999 through 2003.".

SEC. 304. MEMBERSHIP OF THE NORTH AMERICAN WETLANDS CONSERVATION COUNCIL.

(a) IN GENERAL.—Notwithstanding section 4(a)(1)(D) of the North American Wetlands Conservation Act (16 U.S.C. 4403(a)(1)(D)), during the period of 1999 through 2002, the membership of the North American Wetlands Conservation Council under section 4(a)(1)(D) of that Act shall consist of—

(1) 1 individual who shall be the Group Manager for Conservation Programs of Ducks Unlimited, Inc. and who shall serve for 1 term of 3 years beginning in 1999; and

(2) 2 individuals who shall be appointed by the Secretary of the Interior in accordance with section 4 of that Act and who shall each represent a different organization described in section 4(a)(1)(D) of that Act.

(b) PUBLICATION OF POLICY.—Not later than June 30, 1999, the Secretary of the Interior shall publish in the Federal Register, after notice and opportunity for public comment, a policy for making appointments under section 4(a)(1)(D) of the North American Wetlands Conservation Act (16 U.S.C. 4403(a)(1)(D)).

TITLE IV—RHINOCEROS AND TIGER CONSERVATION

SEC. 401. SHORT TITLE.

This title may be cited as the "Rhinoceros and Tiger Conservation Act of 1998".

SEC. 402. FINDINGS.

Congress finds that—

(1) the populations of all but 1 species of rhinoceros, and the tiger, have significantly declined in recent years and continue to decline;

(2) these species of rhinoceros and tiger are listed as endangered species under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) and listed on Appendix I of the Convention on International Trade in Endangered Species of

Wild Fauna and Flora, signed on March 3, 1973 (27 UST 1087; TIAS 8249) (referred to in this title as "CITES");

(3) the Parties to CITES have adopted several resolutions—

(A) relating to the conservation of tigers (Conf. 9.13 (Rev.)) and rhinoceroses (Conf. 9.14), urging Parties to CITES to implement legislation to reduce illegal trade in parts and products of the species; and

(B) relating to trade in readily recognizable parts and products of the species (Conf. 9.6), and trade in traditional medicines (Conf. 10.19), recommending that Parties ensure that their legislation controls trade in those parts and derivatives, and in medicines purporting to contain them;

(4) a primary cause of the decline in the populations of tiger and most rhinoceros species is the poaching of the species for use of their parts and products in traditional medicines;

(5) there are insufficient legal mechanisms enabling the United States Fish and Wildlife Service to interdict products that are labeled or advertised as containing substances derived from rhinoceros or tiger species and prosecute the merchandisers for sale or display of those products; and

(6) legislation is required to ensure that—

(A) products containing, or labeled or advertised as containing, rhinoceros parts or tiger parts are prohibited from importation into, or exportation from, the United States; and

(B) efforts are made to educate persons regarding alternatives for traditional medicine products, the illegality of products containing, or labeled or advertised as containing, rhinoceros parts and tiger parts, and the need to conserve rhinoceros and tiger species generally.

SEC. 403. PURPOSES OF THE RHINOCEROS AND TIGER CONSERVATION ACT OF 1994.

Section 3 of the Rhinoceros and Tiger Conservation Act of 1994 (16 U.S.C. 5302) is amended by adding at the end the following:

"(3) To prohibit the sale, importation, and exportation of products intended for human consumption or application containing, or labeled or advertised as containing, any substance derived from any species of rhinoceros or tiger.".

SEC. 404. DEFINITION OF PERSON.

Section 4 of the Rhinoceros and Tiger Conservation Act of 1994 (16 U.S.C. 5303) is amended—

(1) in paragraph (4), by striking "and" at the end;

(2) in paragraph (5), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(6) 'person' means—

"(A) an individual, corporation, partnership, trust, association, or other private entity;

"(B) an officer, employee, agent, department, or instrumentality of—

"(i) the Federal Government;

"(ii) any State, municipality, or political subdivision of a State; or

"(iii) any foreign government;

"(C) a State, municipality, or political subdivision of a State; or

"(D) any other entity subject to the jurisdiction of the United States.".

SEC. 405. PROHIBITION ON SALE, IMPORTATION, OR EXPORTATION OF PRODUCTS LABELED OR ADVERTISED AS RHINOCEROS OR TIGER PRODUCTS.

The Rhinoceros and Tiger Conservation Act of 1994 (16 U.S.C. 5301 et seq.) is amended—

(1) by redesignating section 7 as section 9; and

(2) by inserting after section 6 the following:

"SEC. 7. PROHIBITION ON SALE, IMPORTATION, OR EXPORTATION OF PRODUCTS LABELED OR ADVERTISED AS RHINOCEROS OR TIGER PRODUCTS.

"(a) PROHIBITION.—A person shall not sell, import, or export, or attempt to sell, import, or export, any product, item, or substance intended for human consumption or application containing, or labeled or advertised as containing, any substance derived from any species of rhinoceros or tiger.

"(b) PENALTIES.—

"(1) CRIMINAL PENALTY.—A person engaged in business as an importer, exporter, or distributor that knowingly violates subsection (a) shall be fined under title 18, United States Code, imprisoned not more than 6 months, or both.

"(2) CIVIL PENALTIES.—

"(A) IN GENERAL.—A person that knowingly violates subsection (a), and a person engaged in business as an importer, exporter, or distributor that violates subsection (a), may be assessed a civil penalty by the Secretary of not more than $12,000 for each violation.

"(B) MANNER OF ASSESSMENT AND COLLECTION.—A civil penalty under this paragraph shall be assessed, and may be collected, in the manner in which a civil penalty under the Endangered Species Act of 1973 may be assessed and collected under section 11(a) of that Act (16 U.S.C. 1540(a)).

"(c) PRODUCTS, ITEMS, AND SUBSTANCES.—Any product, item, or substance sold, imported, or exported, or attempted to be sold, imported, or exported, in violation of this section or any regulation issued under this section shall be subject to seizure and forfeiture to the United States.

"(d) REGULATIONS.—After consultation with the Secretary of the Treasury, the Secretary of Health and Human Services, and the United States Trade Representative, the Secretary shall issue such regulations as are appropriate to carry out this section.

"(e) ENFORCEMENT.—The Secretary, the Secretary of the Treasury, and the Secretary of the department in which the Coast Guard is operating shall enforce this section in the manner in which the Secretaries carry out enforcement activities under section 11(e) of the Endangered Species Act of 1973 (16 U.S.C. 1540(e)).

"(f) USE OF PENALTY AMOUNTS.—Amounts received as penalties, fines, or forfeiture of property under this section shall be used in accordance with section 6(d) of the Lacey Act Amendments of 1981 (16 U.S.C. 3375(d)).".

SEC. 406. EDUCATIONAL OUTREACH PROGRAM.

The Rhinoceros and Tiger Conservation Act of 1994 (16 U.S.C. 5301 et seq.) (as amended by section 405) is amended by inserting after section 7 the following:

"SEC. 8. EDUCATIONAL OUTREACH PROGRAM.

"(a) IN GENERAL.—Not later than 180 days after the date of enactment of this section, the Secretary shall develop and implement an educational outreach program in the United States for the conservation of rhinoceros and tiger species.

"(b) GUIDELINES.—The Secretary shall publish in the Federal Register guidelines for the program.

"(c) CONTENTS.—Under the program, the Secretary shall publish and disseminate information regarding—

"(1) laws protecting rhinoceros and tiger species, in particular laws prohibiting trade in products containing, or labeled or advertised as containing, their parts;

"(2) use of traditional medicines that contain parts or products of rhinoceros and tiger species, health risks associated with their use, and available alternatives to the medicines; and

"(3) the status of rhinoceros and tiger species and the reasons for protecting the species.".

SEC. 407. AUTHORIZATION OF APPROPRIATIONS.

Section 9 of the Rhinoceros and Tiger Conservation Act of 1994 (16 U.S.C. 5306) (as redesignated by section 405(1)) is amended by striking "1996, 1997, 1998, 1999, and 2000" and inserting "1996 through 2002".

TITLE V—CHESAPEAKE BAY INITIATIVE

SEC. 501. SHORT TITLE.

This title may be cited as the "Chesapeake Bay Initiative Act of 1998".

SEC. 502. CHESAPEAKE BAY GATEWAYS AND WATERTRAILS.

(a) CHESAPEAKE BAY GATEWAYS AND WATERTRAILS NETWORK.—

(1) IN GENERAL.—The Secretary of the Interior (referred to in this section as the "Secretary"), in cooperation with the Administrator of the Environmental Protection Agency (referred to in this section as the "Administrator"), shall provide technical and financial assistance, in cooperation with other Federal agencies, State and local governments, nonprofit organizations, and the private sector—

(A) to identify, conserve, restore, and interpret natural, recreational, historical, and cultural resources within the Chesapeake Bay Watershed;

(B) to identify and utilize the collective resources as Chesapeake Bay Gateways sites for enhancing public education of and access to the Chesapeake Bay;

(C) to link the Chesapeake Bay Gateways sites with trails, tour roads, scenic byways, and other connections as determined by the Secretary;

(D) to develop and establish Chesapeake Bay Watertrails comprising water routes and connections to Chesapeake Bay Gateways sites and other land resources within the Chesapeake Bay Watershed; and

(E) to create a network of Chesapeake Bay Gateways sites and Chesapeake Bay Watertrails.

(2) COMPONENTS.—Components of the Chesapeake Bay Gateways and Watertrails Network may include—

(A) State or Federal parks or refuges;

(B) historic seaports;

(C) archaeological, cultural, historical, or recreational sites; or

(D) other public access and interpretive sites as selected by the Secretary.

(b) CHESAPEAKE BAY GATEWAYS GRANTS ASSISTANCE PROGRAM.—

(1) IN GENERAL.—The Secretary, in cooperation with the Administrator, shall establish a Chesapeake Bay Gateways Grants Assistance Program to aid State and local governments, local communities, nonprofit organizations, and the private sector in conserving, restoring, and interpreting important historic, cultural, recreational, and natural resources within the Chesapeake Bay Watershed.

(2) CRITERIA.—The Secretary, in cooperation with the Administrator, shall develop appropriate eligibility, prioritization, and review criteria for grants under this section.

(3) MATCHING FUNDS AND ADMINISTRATIVE EXPENSES.—A grant under this section—

(A) shall not exceed 50 percent of eligible project costs;

(B) shall be made on the condition that non-Federal sources, including in-kind contributions of services or materials, provide the remainder of eligible project costs; and

(C) shall be made on the condition that not more than 10 percent of all eligible project costs be used for administrative expenses.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $3,000,000 for each of fiscal years 1999 through 2003.

Mr. CRAIG. Mr. President, I ask unanimous consent that the Senate agree to the amendments of the House.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROVIDING SUPPORT FOR CERTAIN INSTITUTES AND SCHOOLS

Mr. CRAIG. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. 2638, introduced earlier today by Senator FRIST.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

A bill (S. 2638) to provide support for certain institutes and schools.

The Senate proceeded to consider the bill.

Mr. CRAIG. Mr. President, I ask unanimous consent that the bill be read a third time and passed; that the motion to reconsider be laid upon the table; and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 2638) was considered read the third time and passed, as follows:

S. 2638

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—OREGON INSTITUTE OF PUBLIC SERVICE AND CONSTITUTIONAL STUDIES

SEC. 101. DEFINITIONS.

In this title:

(1) ENDOWMENT FUND.—The term "endowment fund" means a fund established by Portland State University for the purpose of generating income for the support of the Institute.

(2) INSTITUTE.—The term "Institute" means the Oregon Institute of Public Service and Constitutional Studies established under this title.

(3) SECRETARY.—The term "Secretary" means the Secretary of Education.

SEC. 102. OREGON INSTITUTE OF PUBLIC SERVICE AND CONSTITUTIONAL STUDIES.

From the funds appropriated under section 106, the Secretary is authorized to award a grant to Portland State University at Portland, Oregon, for the establishment of an endowment fund to support the Oregon Institute of Public Service and Constitutional Studies at the Mark O. Hatfield School of Government at Portland State University.

SEC. 103. DUTIES.

In order to receive a grant under this title the Portland State University shall establish the Institute. The Institute shall have the following duties:

(1) To generate resources, improve teaching, enhance curriculum development, and further the knowledge and understanding of students of all ages about public service, the United States Government, and the Constitution of the United States of America.

(2) To increase the awareness of the importance of public service, to foster among the youth of the United States greater recognition of the role of public service in the development of the United States, and to promote public service as a career choice.

(3) To establish a Mark O. Hatfield Fellows program for students of government, public policy, public health, education, or law who have demonstrated a commitment to public service through volunteer activities, research projects, or employment.

(4) To create library and research facilities for the collection and compilation of research materials for use in carrying out programs of the Institute.

(5) To support the professional development of elected officials at all levels of government.

SEC. 104. ADMINISTRATION.

(a) LEADERSHIP COUNCIL.—

(1) IN GENERAL.—In order to receive a grant under this title Portland State University shall ensure that the Institute operates under the direction of a Leadership Council (in this title referred to as the "Leadership Council") that—

"(A) consists of 15 individuals appointed by the President of Portland State University; and

"(B) is established in accordance with this section.

(2) APPOINTMENTS.—Of the individuals appointed under paragraph (1)(A)—

(A) Portland State University, Willamette University, the Constitution Project, George Fox University, Warner Pacific University, and Oregon Health Sciences University shall each have a representative;

(B) at least 1 shall represent Mark O. Hatfield, his family, or a designee thereof;

(C) at least 1 shall have expertise in elementary and secondary school social sciences or governmental studies;

(D) at least 2 shall be representative of business or government and reside outside of Oregon;

(E) at least 1 shall be an elected official; and

(F) at least 3 shall be leaders in the private sector.

(3) EX-OFFICIO MEMBER.—The Director of the Mark O. Hatfield School of Government at Portland State University shall serve as an ex-officio member of the Leadership Council.

(b) CHAIRPERSON.—

(1) IN GENERAL.—The President of Portland State University shall designate 1 of the individuals first appointed to the Leadership Council under subsection (a) as the Chairperson of the Leadership Council. The individual so designated shall serve as Chairperson for 1 year.

(2) REQUIREMENT.—Upon the expiration of the term of the Chairperson of the individual designated as Chairperson under paragraph (1), or the term of the Chairperson elected under this paragraph, the members of the Leadership Council shall elect a Chairperson of the Leadership Council from among the members of the Leadership Council.

SEC. 105. ENDOWMENT FUND.

(a) MANAGEMENT.—The endowment fund shall be managed in accordance with the standard endowment policies established by the Oregon University System.

(b) USE OF INTEREST AND INVESTMENT INCOME.—Interest and other investment income earned (on or after the date of enactment of this subsection) from the endowment fund may be used to carry out the duties of the Institute under section 103.

(c) DISTRIBUTION OF INTEREST AND INVESTMENT INCOME.—Funds realized from interest and other investment income earned (on or after the date of enactment of this subsection) shall be spent by Portland State University in collaboration with Willamette University, George Fox University, the Constitution Project, Warner Pacific University, Oregon Health Sciences University, and other appropriate educational institutions or community-based organizations. In expending such funds, the Leadership Council shall encourage programs to establish partnerships, to leverage private funds, and to match expenditures from the endowment fund.

SEC. 106. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to carry out this title $3,000,000 for fiscal year 1999, and each subsequent fiscal year thereafter.

TITLE II—PAUL SIMON PUBLIC POLICY INSTITUTE

SEC. 201. DEFINITIONS.

In this title:

(1) ENDOWMENT FUND.—The term "endowment fund" means a fund established by the University for the purpose of generating income for the support of the Institute.

(2) ENDOWMENT FUND CORPUS.—The term "endowment fund corpus" means an amount equal to the grant or grants awarded under this title plus an amount equal to the matching funds required under section 202(d).

(3) ENDOWMENT FUND INCOME.—The term "endowment fund income" means an amount equal to the total value of the endowment fund minus the endowment fund corpus.

(4) INSTITUTE.—The term "Institute" means the Paul Simon Public Policy Institute described in section 202.

(5) SECRETARY.—The term "Secretary" means the Secretary of Education.

(6) UNIVERSITY.—The term "University" means Southern Illinois University at Carbondale, Illinois.

SEC. 202. PROGRAM AUTHORIZED.

(a) GRANTS.—From the funds appropriated under section 206, the Secretary is authorized to award a grant to Southern Illinois University for the establishment of an endowment fund to support the Paul Simon Public Policy Institute. The Secretary may enter into agreements with the University and include in any agreement made pursuant to this title such provisions as are determined necessary by the Secretary to carry out this title.

(b) DUTIES.—In order to receive a grant under this title, the University shall establish the Institute. The Institute, in addition to recognizing more than 40 years of public service to Illinois, to the Nation, and to the world, shall engage in research, analysis, debate, and policy recommendations affecting world hunger, mass media, foreign policy, education, and employment.

(c) DEPOSIT INTO ENDOWMENT FUND.—The University shall deposit the proceeds of any grant received under this section into the endowment fund.

(d) MATCHING FUNDS REQUIREMENT.—The University may receive a grant under this section only if the University has deposited in the endowment fund established under this title an amount equal to one-third of such grant and has provided adequate assurances to the Secretary that the University will administer the endowment fund in accordance with the requirements of this title. The source of the funds for the University match shall be derived from State, private foundation, corporate, or individual gifts or bequests, but may not include Federal funds or funds derived from any other federally supported fund.

(e) DURATION; CORPUS RULE.—The period of any grant awarded under this section shall not exceed 20 years, and during such period the University shall not withdraw or expend any of the endowment fund corpus. Upon expiration of the grant period, the University may use the endowment fund corpus, plus any endowment fund income for any educational purpose of the University.

SEC. 203. INVESTMENTS.

(a) IN GENERAL.—The University shall invest the endowment fund corpus and endowment fund income in those low-risk instruments and securities in which a regulated insurance company may invest under the laws

of the State of Illinois, such as federally insured bank savings accounts or comparable interest bearing accounts, certificates of deposit, money market funds, or obligations of the United States.

(b) JUDGMENT AND CARE.—The University, in investing the endowment fund corpus and endowment fund income, shall exercise the judgment and care, under circumstances then prevailing, which a person of prudence, discretion, and intelligence would exercise in the management of the person's own business affairs.

SEC. 204. WITHDRAWALS AND EXPENDITURES.

(a) IN GENERAL.—The University may withdraw and expend the endowment fund income to defray any expenses necessary to the operation of the Institute, including expenses of operations and maintenance, administration, academic and support personnel, construction and renovation, community and student services programs, technical assistance, and research. No endowment fund income or endowment fund corpus may be used for any type of support of the executive officers of the University or for any commercial enterprise or endeavor. Except as provided in subsection (b), the University shall not, in the aggregate, withdraw or expend more than 50 percent of the total aggregate endowment fund income earned prior to the time of withdrawal or expenditure.

(b) SPECIAL RULE.—The Secretary is authorized to permit the University to withdraw or expend more than 50 percent of the total aggregate endowment fund income whenever the University demonstrates such withdrawal or expenditure is necessary because of—

(1) a financial emergency, such as a pending insolvency or temporary liquidity problem;

(2) a life-threatening situation occasioned by a natural disaster or arson; or

(3) another unusual occurrence or exigent circumstance.

(c) REPAYMENT.—

(1) INCOME.—If the University withdraws or expends more than the endowment fund income authorized by this section, the University shall repay the Secretary an amount equal to one-third of the amount improperly expended (representing the Federal share thereof).

(2) CORPUS.—Except as provided in section 202(e)—

(A) the University shall not withdraw or expend any endowment fund corpus; and

(B) if the University withdraws or expends any endowment fund corpus, the University shall repay the Secretary an amount equal to one-third of the amount withdrawn or expended (representing the Federal share thereof) plus any endowment fund income earned thereon.

SEC. 205. ENFORCEMENT.

(a) IN GENERAL.—After notice and an opportunity for a hearing, the Secretary is authorized to terminate a grant and recover any grant funds awarded under this section if the University—

(1) withdraws or expends any endowment fund corpus, or any endowment fund income in excess of the amount authorized by section 204, except as provided in section 202(e);

(2) fails to invest the endowment fund corpus or endowment fund income in accordance with the investment requirements described in section 203; or

(3) fails to account properly to the Secretary, or the General Accounting Office if properly designated by the Secretary to conduct an audit of funds made available under this title, pursuant to such rules and regulations as may be proscribed by the Comptroller General of the United States, concerning investments and expenditures of the endowment fund corpus or endowment fund income.

(b) TERMINATION.—If the Secretary terminates a grant under subsection (a), the University shall return to the Treasury of the United States an amount equal to the sum of the original grant or grants under this title, plus any endowment fund income earned thereon. The Secretary may direct the University to take such other appropriate measures to remedy any violation of this title and to protect the financial interest of the United States.

SEC. 206. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to carry out this title $3,000,000 for fiscal year 1999, and each subsequent fiscal year thereafter. Funds appropriated under this section shall remain available until expended.

TITLE III—HOWARD BAKER SCHOOL OF GOVERNMENT

SEC. 301. DEFINITIONS.

In this title:

(1) BOARD.—The term "Board" means the Board of Advisors established under section 304.

(2) ENDOWMENT FUND.—The term "endowment fund" means a fund established by the University of Tennessee in Knoxville, Tennessee, for the purpose of generating income for the support of the School.

(3) SCHOOL.—The term "School" means the Howard Baker School of Government established under this title.

(4) SECRETARY.—The term "Secretary" means the Secretary of Education.

(5) UNIVERSITY.—The term "University" means the University of Tennessee in Knoxville, Tennessee.

SEC. 302. HOWARD BAKER SCHOOL OF GOVERNMENT.

From the funds authorized to be appropriated under section 306, the Secretary is authorized to award a grant to the University for the establishment of an endowment fund to support the Howard Baker School of Government at the University of Tennessee in Knoxville, Tennessee.

SEC. 303. DUTIES.

In order to receive a grant under this title, the University shall establish the School. The School shall have the following duties:

(1) To establish a professorship to improve teaching and research related to, enhance the curriculum of, and further the knowledge and understanding of, the study of democratic institutions, including aspects of regional planning, public administration, and public policy.

(2) To establish a lecture series to increase the knowledge and awareness of the major public issues of the day in order to enhance informed citizen participation in public affairs.

(3) To establish a fellowship program for students of government, planning, public administration, or public policy who have demonstrated a commitment and an interest in pursuing a career in public affairs.

(4) To provide appropriate library materials and appropriate research and instructional equipment for use in carrying out academic and public service programs, and to enhance the existing United States Presidential and public official manuscript collections.

(5) To support the professional development of elected officials at all levels of government.

SEC. 304. ADMINISTRATION.

(a) BOARD OF ADVISORS.—

(1) IN GENERAL.—The School shall operate with the advice and guidance of a Board of Advisors consisting of 13 individuals appointed by the Vice Chancellor for Academic Affairs of the University.

(2) APPOINTMENTS.—Of the individuals appointed under paragraph (1)—

(A) 5 shall represent the University;

(B) 2 shall represent Howard Baker, his family, or a designee thereof;

(C) 5 shall be representative of business or government; and

(D) 1 shall be the Governor of Tennessee, or the Governor's designee.

(3) EX OFFICIO MEMBERS.—The Vice Chancellor for Academic Affairs and the Dean of the College of Arts and Sciences at the University shall serve as an ex officio member of the Board.

(b) CHAIRPERSON.—

(1) IN GENERAL.—The Chancellor, with the concurrence of the Vice Chancellor for Academic Affairs, of the University shall designate 1 of the individuals first appointed to the Board under subsection (a) as the Chairperson of the Board. The individual so designated shall serve as Chairperson for 1 year.

(2) REQUIREMENTS.—Upon the expiration of the term of the Chairperson of the individual designated as Chairperson under paragraph (1) or the term of the Chairperson elected under this paragraph, the members of the Board shall elect a Chairperson of the Board from among the members of the Board.

SEC. 305. ENDOWMENT FUND.

(a) MANAGEMENT.—The endowment fund shall be managed in accordance with the standard endowment policies established by the University of Tennessee System.

(b) USE OF INTEREST AND INVESTMENT INCOME.—Interest and other investment income earned (on or after the date of enactment of this subsection) from the endowment fund may be used to carry out the duties of the School under section 303.

(c) DISTRIBUTION OF INTEREST AND INVESTMENT INCOME.—Funds realized from interest and other investment income earned (on or after the date of enactment of this subsection) shall be available for expenditure by the University for purposes consistent with section 303, as recommended by the Board. The Board shall encourage programs to establish partnerships, to leverage private funds, and to match expenditures from the endowment fund.

SEC. 306. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to carry out this title $10,000,000 for fiscal year 2000, and each subsequent fiscal year thereafter.

TITLE IV—JOHN GLENN INSTITUTE FOR PUBLIC SERVICE AND PUBLIC POLICY

SEC. 401. DEFINITIONS.

In this title:

(1) ENDOWMENT FUND.—The term "endowment fund" means a fund established by the University for the purpose of generating income for the support of the Institute.

(2) ENDOWMENT FUND CORPUS.—The term "endowment fund corpus" means an amount equal to the grant or grants awarded under this title plus an amount equal to the matching funds required under section 402(d).

(3) ENDOWMENT FUND INCOME.—The term "endowment fund income" means an amount equal to the total value of the endowment fund minus the endowment fund corpus.

(4) INSTITUTE.—The term "Institute" means the John Glenn Institute for Public Service and Public Policy described in section 402.

(5) SECRETARY.—The term "Secretary" means the Secretary of Education.

(6) UNIVERSITY.—The term "University" means the Ohio State University at Columbus, Ohio.

SEC. 402. PROGRAM AUTHORIZED.

(a) GRANTS.—From the funds appropriated under section 406, the Secretary is authorized to award a grant to the Ohio State University for the establishment of an endowment fund to support the John Glenn Institute for Public Service and Public Policy. The Secretary may enter into agreements with the University and include in any agreement made pursuant to this title such provisions as are determined necessary by the Secretary to carry out this title.

(b) PURPOSES.—The Institute shall have the following purposes:

(1) To sponsor classes, internships, community service activities, and research projects to stimulate student participation in public service, in order to foster America's next generation of leaders.

(2) To conduct scholarly research in conjunction with public officials on significant issues facing society and to share the results of such research with decisionmakers and legislators as the decisionmakers and legislators address such issues.

(3) To offer opportunities to attend seminars on such topics as budgeting and finance, ethics, personnel management, policy evaluations, and regulatory issues that are designed to assist public officials in learning more about the political process and to expand the organizational skills and policymaking abilities of such officials.

(4) To educate the general public by sponsoring national conferences, seminars, publications, and forums on important public issues.

(5) To provide access to Senator John Glenn's extensive collection of papers, policy decisions, and memorabilia, enabling scholars at all levels to study the Senator's work.

(c) DEPOSIT INTO ENDOWMENT FUND.—The University shall deposit the proceeds of any grant received under this section into the endowment fund.

(d) MATCHING FUNDS REQUIREMENT.—The University may receive a grant under this section only if the University has deposited in the endowment fund established under this title an amount equal to one-third of such grant and has provided adequate assurances to the Secretary that the University will administer the endowment fund in accordance with the requirements of this title. The source of the funds for the University match shall be derived from State, private foundation, corporate, or individual gifts or bequests, but may not include Federal funds or funds derived from any other federally supported fund.

(e) DURATION; CORPUS RULE.—The period of any grant awarded under this section shall not exceed 20 years, and during such period the University shall not withdraw or expend any of the endowment fund corpus. Upon expiration of the grant period, the University may use the endowment fund corpus, plus any endowment fund income for any educational purpose of the University.

SEC. 403. INVESTMENTS.

(a) IN GENERAL.—The University shall invest the endowment fund corpus and endowment fund income in accordance with the University's investment policy approved by the Ohio State University Board of Trustees.

(b) JUDGMENT AND CARE.—The University, in investing the endowment fund corpus and endowment fund income, shall exercise the judgment and care, under circumstances then prevailing, which a person of prudence, discretion, and intelligence would exercise in the management of the person's own business affairs.

SEC. 404. WITHDRAWALS AND EXPENDITURES.

(a) IN GENERAL.—The University may withdraw and expend the endowment fund income to defray any expenses necessary to the operation of the Institute, including expenses of operations and maintenance, administration, academic and support personnel, construction and renovation, community and student services programs, technical assistance, and research. No endowment fund income or endowment fund corpus may be used for any type of support of the executive officers of the University or for any commercial enterprise or endeavor. Except as provided in subsection (b), the University shall not, in the aggregate, withdraw or expend more than 50 percent of the total aggregate endowment fund income earned prior to the time of withdrawal or expenditure.

(b) SPECIAL RULE.—The Secretary is authorized to permit the University to withdraw or expend more than 50 percent of the total aggregate endowment fund income whenever the University demonstrates such withdrawal or expenditure is necessary because of—

(1) a financial emergency, such as a pending insolvency or temporary liquidity problem;

(2) a life-threatening situation occasioned by a natural disaster or arson; or

(3) another unusual occurrence or exigent circumstance.

(c) REPAYMENT.—

(1) INCOME.—If the University withdraws or expends more than the endowment fund income authorized by this section, the University shall repay the Secretary an amount equal to one-third of the amount improperly expended (representing the Federal share thereof).

(2) CORPUS.—Except as provided in section 402(e)—

(A) the University shall not withdraw or expend any endowment fund corpus; and

(B) if the University withdraws or expends any endowment fund corpus, the University shall repay the Secretary an amount equal to one-third of the amount withdrawn or expended (representing the Federal share thereof) plus any endowment fund income earned thereon.

SEC. 405. ENFORCEMENT.

(a) IN GENERAL.—After notice and an opportunity for a hearing, the Secretary is authorized to terminate a grant and recover any grant funds awarded under this section if the University—

(1) withdraws or expends any endowment fund corpus, or any endowment fund income in excess of the amount authorized by section 404, except as provided in section 402(e);

(2) fails to invest the endowment fund corpus or endowment fund income in accordance with the investment requirements described in section 403; or

(3) fails to account properly to the Secretary, or the General Accounting Office if properly designated by the Secretary to conduct an audit of funds made available under this title, pursuant to such rules and regulations as may be prescribed by the Comptroller General of the United States, concerning investments and expenditures of the endowment fund corpus or endowment fund income.

(b) TERMINATION.—If the Secretary terminates a grant under subsection (a), the University shall return to the Treasury of the United States an amount equal to the sum of the original grant or grants under this title, plus any endowment fund income earned thereon. The Secretary may direct the University to take such other appropriate measures to remedy any violation of this title and to protect the financial interest of the United States.

SEC. 406. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to carry out this title $6,000,000 for fiscal year 2000, and each subsequent fiscal year thereafter. Funds appropriated under this section shall remain available until expended.

REQUIRING MINTING OF COINS IN COMMEMORATION OF BICENTENNIAL OF LEWIS AND CLARK.

Mr. CRAIG. Mr. President, I ask unanimous consent that the Banking Committee be discharged from further consideration of H.R. 1560 and that the Senate then proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 1560) to require the Secretary of the Treasury to mint coins in commemoration of the bicentennial of the Lewis & Clark Expedition, and for other purposes.

The Senate proceeded to consider the bill.

AMENDMENT NO. 3831

(Purpose: To award congressional gold medals to the "Little Rock Nine" and Gerald R. and Betty Ford, to provide for a 6-month extension for certain coin sales, and for other purposes)

Mr. CRAIG. Mr. President, Senator D'AMATO has an amendment at the desk, and I ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Idaho [Mr. CRAIG], for Mr. D'AMATO, proposes an amendment numbered 3831.

The amendment is as follows:

At the end of the bill, add the following new sections:

SEC. 11. CONGRESSIONAL GOLD MEDALS FOR THE "LITTLE ROCK NINE".

(a) FINDINGS.—The Congress finds that—

(1) Jean Brown Trickey, Carlotta Walls LaNier, Melba Patillo Beals, Terrence Roberts, Gloria Ray Karlmark, Thelma Mothershed Wair, Ernest Green, Elizabeth Eckford, and Jefferson Thomas, hereafter in this section referred to as the "Little Rock Nine", voluntarily subjected themselves to the bitter stinging pains of racial bigotry;

(2) the Little Rock Nine are civil rights pioneers whose selfless acts considerably advanced the civil rights debate in this country;

(3) the Little Rock Nine risked their lives to integrate Central High School in Little Rock, Arkansas, and subsequently the Nation;

(4) the Little Rock Nine sacrificed their innocence to protect the American principle that we are all "one nation, under God, indivisible";

(5) the Little Rock Nine have indelibly left their mark on the history of this Nation; and

(6) the Little Rock Nine have continued to work toward equality for all Americans.

(b) PRESENTATION AUTHORIZED.—The President is authorized to present, on behalf of

Congress, to Jean Brown Trickey, Carlotta Walls LaNier, Melba Patillo Beals, Terrence Roberts, Gloria Ray Karlmark, Thelma Mothershed Wair, Ernest Green, Elizabeth Eckford, and Jefferson Thomas, commonly referred to the "Little Rock Nine", gold medals of appropriate design, in recognition of the selfless heroism that such individuals exhibited and the pain they suffered in the cause of civil rights by integrating Central High School in Little Rock, Arkansas.

(c) DESIGN AND STRIKING.—For purposes of the presentation referred to in subsection (b) the Secretary of the Treasury shall strike a gold medal with suitable emblems, devices, and inscriptions to be determined by the Secretary for each recipient.

(d) AUTHORIZATION OF APPROPRIATION.—Effective October 1, 1998, there are authorized to be appropriated such sums as may be necessary to carry out this section.

(e) DUPLICATE MEDALS.—

(1) STRIKING AND SALE.—The Secretary of the Treasury may strike and sell duplicates in bronze of the gold medals struck pursuant to this section under such regulations as the Secretary may prescribe, at a price sufficient to cover the cost thereof, including labor, materials, dies, use of machinery, and overhead expenses, and the cost of the gold medal.

(2) REIMBURSEMENT OF APPROPRIATION.—The appropriation used to carry out this section shall be reimbursed out of the proceeds of sales under paragraph (1).

SEC. 12. FORD CONGRESSIONAL GOLD MEDAL.

(a) PRESENTATION AUTHORIZED.—The President is authorized to present, on behalf of the Congress, to Gerald R. and Betty Ford a gold medal of appropriate design—

(1) in recognition of their dedicated public service and outstanding humanitarian contributions to the people of the United States; and

(2) in commemoration of the following occasions in 1998:

(A) The 85th anniversary of the birth of President Ford.

(B) The 80th anniversary of the birth of Mrs. Ford.

(C) The 50th wedding anniversary of President and Mrs. Ford.

(D) The 50th anniversary of the 1st election of Gerald R. Ford to the United States House of Representatives.

(E) The 25th anniversary of the approval of Gerald R. Ford by the Congress to become Vice President of the United States.

(b) DESIGN AND STRIKING.—For purposes of the presentation referred to in subsection (a), the Secretary of the Treasury shall strike a gold medal with suitable emblems, devices, and inscriptions to be determined by the Secretary.

(c) AUTHORIZATION OF APPROPRIATION.—There are authorized to be appropriated not to exceed $20,000 to carry out this section.

(d) DUPLICATE MEDALS.—

(1) STRIKING AND SALE.—The Secretary of the Treasury may strike and sell duplicates in bronze of the gold medal struck pursuant to this section under such regulations as the Secretary may prescribe, at a price sufficient to cover the cost thereof, including labor, materials, dies, use of machinery, and overhead expenses, and the cost of the gold medal.

(2) REIMBURSEMENT OF APPROPRIATION.—The appropriation used to carry out this section shall be reimbursed out of the proceeds of sales under paragraph (1).

(e) NATIONAL MEDALS.—The medals struck pursuant to this section are national medals for purposes of chapter 51 of title 31, United States Code.

SEC. 13. 6-MONTH EXTENSION FOR CERTAIN SALES.

Notwithstanding section 101(7)(D) of the United States Commemorative Coin Act of 1996, the Secretary of the Treasury may, at any time before January 1, 1999, make bulk sales at a reasonable discount to the Jackie Robinson Foundation of not less than 20 percent of any denomination of proof and uncirculated coins minted under section 101(7) of such Act which remained unissued as of July 1, 1998, except that the total number of coins of any such denomination which were issued under such section or this section may not exceed the amount of such denomination of coins which were authorized to be minted and issued under section 101(7)(A) of such Act.

Mr. CRAIG. Mr. President, I ask unanimous consent that the amendment be agreed to.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 3831) was agreed to.

Mr. CRAIG. Mr. President, I ask unanimous consent that the bill, as amended, be read a third time and passed; that the motion to reconsider be laid upon the table; and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 1560), as amended, was considered read the third time and passed.

THIRD-PARTY PROCUREMENT MONITORING

Mr. COCHRAN. Mr. President, it is my understanding that corruption and fraud are major problems in the procurement of goods and services funded by multi-lateral lending programs. Since these programs are paid for by U.S. taxpayers, the Senate Appropriations Committee identified potential mechanisms in its report accompanying the fiscal year 1999 Foreign Operation Appropriations bill to ensure that procurement processes by borrowing or recipient nations are transparent, non-biased and open.

One of the mechanisms identified by the committee is independent third party procurement monitoring. An independent third party procurement monitor provides an independent review and assessment of government procurement projects by auditing and certifying that the procurement process is non-biased, open, transparent and fair. Importantly, independent third party monitoring provides technical assistance and training in country to improve the quality of the procurement process, thereby making the procurement process more effective. The program also verifies that the contractual, technical, economic and financial obligations of the supplier are fully discharged.

I encourage the Administration to support the use of programs such as independent third-party procurement monitoring which have proven their value in reducing costs by deterring corruption and fraud, ensuring the quality of the goods and services provided, stimulating competition and free trade, as well as enabling U.S. business to compete more successfully.

FOREIGN POLICY: AN UNFINISHED AGENDA

Mr. KERREY. Mr. President, I have some good news, and I have some bad news.

First the good news: We won. The Cold War, that is. Now the bad news: We may find the burden of winning that war as heavy as the burden of fighting it. I say that is the "bad news," Mr. President, because it seems like bad news. But I believe it is both our destiny—a mantle that history has placed on our shoulders whether we like it or not—and an opportunity. The opportunity is this: the furnace in which American values are forged throughout the world is fiery hot, and its door is open.

That furnace will not be hot forever, Mr. President. Our triumph in the Cold War dissolved an empire and set free the nations that had been chained up by it. The totalitarian idea was stripped of the thin threads of legitimacy to which its aging adherents continued to cling. The birth of freedom—the opportunity to build new institutions of democracy and world stability—opened.

This furnace was hot, and still is, Mr. President, but the opportunity to build from the rubble of a fallen empire also brings turmoil. As what we hope are the transitional problems of economic instability, ethnic conflict, and proliferation of weapons of mass destruction cool and harden into habits, the door to that furnace of opportunity is closing.

America has learned before that the smoldering embers of victory contain the fires of reignited conflict. Once in this century we got it wrong. After the first world war, we made the fatal mistake of a vengeful peace. The result was a second world war, after which we got much more right, especially our leadership in rebuilding a crumbled world. Now, like then, we are weary of war's toll, but now, like then, we must bear the burden of leadership in victory. And we must do it while the furnace is hot and the opportunity right.

That, Mr. President, is why I am concerned that the 105th Congress is preparing to adjourn with too much foreign policy business left unfinished. The challenges we face around the world are burdens not just for this Congress, but for this country, for every American. The bell of leadership will toll for all of us, and we should not be surprised when it does. I want to outline just a few places where we may hear that call.

First, we face a global economic meltdown. Economies throughout the world are slowing and more uncertainty seems to arise everyday. Over the past year we have seen how instability in the Asian financial markets can quickly spread and undermine the stability of the global economy.

The impact has been devastating. Overnight, people in Asia and Russia have seen their entire life savings disappear. They have seen the chance to give their children an education and a shot at a better life evaporate. They have seen their standards of living plummet to the point where they must struggle to acquire basic necessities. Failure to act quickly to reverse the situation and promote global economic growth could consign an entire generation—who only months ago were on the verge of building a middle class—to a life of continued poverty.

We must know that global prosperity is not possible without a strong U.S. economy. I am pleased with the recent decision by the Federal Reserve to cut U.S. interest rates; although I admit I wish they would have cut it further. As the economic engine that drives the world, we must be prepared to take bold action to ensure world economic growth. Let me be clear, not only do we seek to improve the lives of people around the world through economic growth, we act with an element of self interest. A healthy global economy is the surest way to maintain a robust economy in the United States. As the farmers in my state know, without markets for U.S. products abroad, our own prosperity is threatened. Should this economic crisis deepen, should we start seeing credible signs of global depression, this Congress and the Administration must be prepared to act boldly to stimulate economic growth.

In that regard, I am pleased we are taking a proactive role in trying to prevent the economic crisis from spreading further to places like Latin America. We should continue to work cooperatively with other nations, like Japan, to assist them in implementing the kind of economic and legal reforms that will help them rebuild their economies.

Out of this crisis, we are also learning that economic instability leads to political instability. We see this in Russia, where financial shocks have created a political crisis which threatens Russian democracy. The situation in Russia demands our attention. As a nation with a capability to launch thousands of nuclear weapons, we cannot afford to allow Russia to slip into anarchy. I still believe the Russian transition will be successful, but it will be measured in decades, not years. We must be prepared to help the Russian people over the long run to create a democratic system based on the rule of law.

At the same time, we cannot allow the wealth of challenges we face both at home and abroad to embolden despotic leaders to flaunt international standards. Recent missile tests by North Korea only too clearly demonstrate the need to remain committed to the security of our friends in Asia. It refocuses our attention on this troubled region.

A divided Korea is one of the few lingering vestiges of the Cold War. But a change there is inevitable. I see two potential scenarios on the Korea Peninsula. In the first scenario, North Korea will acquiesce to the tide of history, renounce totalitarianism, embrace democracy, and peacefully reunite with the South. In the other scenario, North Korea implodes into an irrational and dangerous nation threatening the peace and security not only of South Korea, but of the entire region. While we should strive to ensure the former scenario, we should prepare for the latter.

First, we should reaffirm our military ties with South Korea and Japan. The 37,000 American troops stationed in South Korea, and the tens of thousands stationed throughout Asia, should serve as ample warning of our intent to stand by our allies and respond to all threats. Second, we should continue to support South Korea as it rebuilds its economy and implements further democratic reforms. Finally, we must maintain our active containment of North Korea with the cooperation of all of our partners in the region.

As we remain vigilant in Korea, we cannot release the pressure we have built on Saddam Hussein's regime. We are all concerned about Saddam's unwillingness to live up to his agreements, to fully disclose all information on his weapons of mass destruction programs, and to cooperate with United Nations Security Council Resolutions and mandates. Iraq's refusal to cooperate with UNSCOM monitors can not be allowed to go unchallenged.

But ultimately, our success in Iraq will not come from winning a game of hide and seek with Saddam's weapons of mass destruction, but through the establishment of democracy in Iraq. We must change our policy from containment of Iraq to the replacement of Saddam Hussein with a democratic government. I am pleased legislation sponsored by Senator LOTT and myself—designed to set the Iraqi people on the path to self-government—was recently passed by both the House and the Senate. As Americans, we should strive for no less. This policy is both noble, and with our assistance, possible.

In the Balkans, recent election victories by Serbian hardliners in Bosnia once again raise concerns about the prospects for a lasting peace. While enormous progress has been made since the days of open warfare and ethnic cleansing, more must be done to assure that Bosnia will become a peaceful, multi-ethnic state.

Let us be clear, the chance for peace in Bosnia did not come from a sudden willingness of the warring parties to come together. It came from our willingness to use our own military power. I am extremely proud of the men and women of the United States Armed Forces who have served in Bosnia as a part of IFOR and SFOR. Their ability to bring peace to Bosnia is the best example of the effectiveness of U.S. leadership in the world. We should not forget that before the U.S. military intervention in Bosnia, our nightly news was filled with images of the destruction of Bosnian villages; of men, women, and children being gunned down in the streets of Sarajevo; and of families being separated and never seeing each other again.

But because we acted—because men and women in America's armed forces put their lives on the line—the fighting was stopped, the Dayton Peace Accords were signed, and the people of Bosnia have been given the chance to return to a normal life. Ultimately, the success or failure of our efforts in Bosnia will be determined by the capability to fully implement the civilian components of the Dayton Accords and our ability to help the people of Bosnia establish democracy and the rule of law based on ethnic security.

However, just as we allow ourselves to be hopeful for the people of Bosnia, we see more senseless killing of innocent civilians in the Balkans. The situation in Kosovo—while different and perhaps more complex than Bosnia—presents another challenge. Once again, we are faced with the question: do we have the resolve to confront Serb aggression and to halt the spread of ethnic conflict in the region? In answering this question, we must heed the lesson of Bosnia—at times, the credible use of force precedes diplomacy.

Over the past few months, Serbia has been given ample warning by the international community that its policies of ethnic cleansing, indiscriminate destruction of villages, and brutality toward civilian populations would not go unchallenged. However, Mr. President, President Milosevic did not respond to the demands of the international community until NATO began serious consideration of military action. One of the reasons I voted for NATO enlargement earlier this year was my firm belief that the inclusion of Poland, Hungary, and the Czech Republic—nations that had only recently thrown off the yoke of dictatorial regimes—would make the Alliance more willing to act in defense of freedom. Therefore, I was heartened to see President Vaclav Havel providing leadership and insisting that NATO respond to Serb action in Kosovo.

I am hopeful that the agreement reached earlier this week will improve the prospects of peace in Kosovo and

will avert the pending humanitarian crisis. But if we have learned one lesson in dealing with Slobodan Milosevic in the past it is this: believe his actions, not his words.

Mr. President, as I look out onto the world these are only a few of the foreign policy challenges we face. I come before my colleagues today with a simple message: America must lead. But for America to lead, Congress must act.

First, Congress must ensure a strong national defense. I am pleased that we have passed both the Defense Authorization and Appropriations Bills, which in my opinion are two of the most important pieces of legislation we pass on an annual basis. The United States maintains the best equipped and most skillfully trained military the world has ever seen. This is not bravado, but a fact. A fact that should serve as a constant reminder to any nation contemplating a challenge to our interests. A strong American military, one that's ready to deploy and one that's backed up by the will of the American people, is a tremendous deterrent, and is likely to prevent conflict and the need for U.S. intervention.

Next, we must ensure that we maintain our intelligence capabilities. Americans should not suffer the illusion that we currently have the intelligence capacity to know everything that's going on in the world. We simply do not. We are not allocating enough resources to make certain our military is getting the intelligence it needs to identify threats and protect our national interests. But more importantly, we are not allocating enough resources to make certain policymakers are informed so that conflicts that might occur can be avoided. Mr. President, I believe we will not be able to allocate sufficient resources to our intelligence needs until we declassify the current budget and have a public debate about how we spend those dollars.

As I look at the legacy of the 105th Congress, I see many areas in which we have failed to provide the leadership necessary to guide the United States through these troubled times. We have left an unfinished agenda that we must confront in the 106th Congress.

Our first line of national defense is diplomacy. But we in Congress have spent far too little of our time and resources on ensuring we have a strong, well-financed diplomatic corps. In fact, as of today, the Senate has failed to act on over 20 State Department nominees—including over 15 nominations for ambassadorial positions. How can the United States represent its interests abroad without having our diplomatic representatives in place? Like our military, we should strive to make our diplomatic corps the envy of the world. I am convinced a strong diplomatic presence would reduce the chance of having to use our military forces.

In the same manner, Congressional refusal to provide funding to meet our international financial obligations puts a range of U.S. interests at risk. Currently, the United States owes over $1 billion in arrears to the United Nations. At a time in which we are trying to strip Saddam Hussein of his weapons of mass destruction programs through the auspices of UNSCOM and the U.N. Security Council, it would be foolish to believe that our failure to pay our debts does not impact our credibility. While I support efforts to reform U.N. operations, too often the payment of our arrears has been held hostage by those simply opposed to U.S. engagement in the world or by unrelated political debates. Former Secretary of Defense Frank Carlucci said it best: "One thing is certain—we can't reform the U.N. if we're the biggest deadbeat." It's time for the United States to act like the most powerful nation in the world, it's time for Congress to pay our debts to the United Nations.

This Congress has not done enough to promote arms control. Specifically, our failure to debate and ratify the Comprehensive Test Ban Treaty during this Congress has relinquished our historic role as the leader in the effort to end the testing of nuclear weapons. Mr. President, the American people overwhelmingly support the Test Ban Treaty because they understand ratification of the treaty will give us new tools to fight the proliferation of nuclear materials and technology and will help us better monitor compliance of other nations.

The nuclear tests conducted earlier this year by India and Pakistan highlight the danger that can arise when nations engage in nuclear brinkmanship. The potential consequences of increased tensions in the region arising from additional testing by India and Pakistan should cause each of us concern, and should elevate this issue to the top of our priority list. The recent declaration by the Prime Ministers of both India and Pakistan of their intention to join the CTBT offer hope that we can make this treaty work. When the 106th Congress reconvenes, the Senate must bring this treaty to the floor. We cannot insist that potential rogue nuclear states adhere to the precepts of the CTBT if the United States Senate gives it less time for debate than bills changing the names of airports.

I spoke earlier about the challenge presented by the global economic crisis. One of the few tools the international community has for extinguishing the sudden brush fires of global crisis is the International Monetary Fund. In response to the crisis, President Clinton requested $18 billion to replenish the IMF's capital base. On two separate occasions, the Senate has overwhelmingly voted to provide this funding, sending a clear message of our belief that the threat to the prosperity of the American people is too great not to act. I am pleased with reports that the funding will be provided as a part of the FY99 Omnibus Appropriations Bill. While imperfect, the IMF is the only institution that pools the world's resources to address large-scale financial crises.

Finally, I was disappointed by our failure to renew fast track authority for the President to negotiate future trade agreements. I believe it's unfortunate because without fast track authority it will be more difficult to negotiate reductions in non-tariff barriers throughout the world that would stimulate demand for American products and create jobs for American citizens.

I have outlined a heavy burden, Mr. President, one whose weight may surprise us. Many Americans thought we won, no doubt, and that the burden of leadership—along with the cloud of danger—had passed. We did win, Mr. President, our blood and treasure struck a tremendous blow for freedom. Our pride is not diminished by the fact that our work is not done.

Shortly before the Soviet Union fell, one of the great soldiers of the Cold War, General Colin Powell, met with General Jack Galvin—commander of NATO—to discuss threats to our security. General Galvin wore a worried look on his face as he plodded through threat after threat after threat that remained. General Powell responded: "Smile, Jack. We won."

Smile, Mr. President. But we must also steel our will. The burden of war is behind us. The burden of victory remains.

EXPORT-IMPORT BANK AND THE ENVIRONMENT

Mr. D'AMATO. Mr. President, I understand that my good friend and colleague from Alaska, Senator MURKOWSKI, chairman of the Senate Energy and Natural Resources Committee, has recently introduced legislation which would amend the Export-Import Bank Act of 1945 to assure that the United States is consistent with other G–7 countries in evaluating environmental concerns whenever the Bank undertakes project financing. I understand the Senator's concerns. However, I feel that this issue would be much better addressed with a full hearing. Adding this provision onto the Omnibus Appropriations bill without fully discussing it and analyzing its implications with a hearing, may not be prudent.

Mr. MURKOWSKI. Mr. President, my good friend from New York, the chairman of the Senate Committee on Banking, Housing, and Urban Affairs, Senator D'AMATO, is correct. I have introduced a bill, S. 2537, to amend the Export-Import Bank's environmental provisions. The bill does two things. First, it directs the Ex-Im Bank to negotiate

a multi-lateral agreement with the export financing agencies of all G–7 countries to address environmentally sensitive development overseas. Second, until such agreement is reached, my legislation would ensure that U.S. companies have access to Ex-Im Bank financing of overseas projects where other G–7 countries are providing or have indicated an intent to provide financing to the project in question without conditioning such assistance on environmental policies or procedures. The net effect of this law is to impose unilateral sanctions on U.S. companies in the name of the environment.

I had intended to discuss this legislation as part of Senate action on trade issues, because the issue here is trade and competition. This year, however, trade legislation may only be adopted as part of the omnibus spending bill, or not at all.

Mr. D'AMATO. Clearly, my friend has raised a valid concern. Certainly, no member in the Senate is in favor of needlessly denying the necessary financing to a U.S. company, and allowing them to compete internationally, especially in light of the disproportionate levels of financing, and in some cases subsidization provided by many foreign governments to their domestic businesses. I share the Senator's concerns that the Bank not give any other country an unfair advantage when it comes to competing for jobs abroad. However, I am also concerned that this issue has not been addressed properly by the Senate Banking Committee, the committee of jurisdiction with regard to this issue. When ever the Bank considers financing projects abroad, there certainly should be consideration given to the effects on the environment. And additionally, the U.S. should continue to participate in negotiations with the rest of the international community which seek to establish some set of standards for all countries.

Mr. MURKOWSKI. Mr. President, I understand the concerns of the Senator form New York about this legislation, particularly because he is chairman of the committee with jurisdiction over the Export-Import Bank. And I agree that this matter is so important that it deserves the attention of the full Committee on Banking, Housing and Urban Affairs. Is the Senator saying that when the Senate reconvenes for the 106th session, the Chairman will schedule a hearing on my legislation at the earliest possible convenience?

Mr. D'AMATO. Mr. President, that is precisely what I am suggesting, and I appreciate the cooperation of the Senator from Alaska and his understanding on this matter.

Mr. MURKOWSKI. I thank my good friend from New York. As a result of his commitment on hearings. I will not attempt to include my Ex-Im legislation in the omnibus spending bill. I will look forward to working with the Chairman next year to address this important issue.

SOFTWARE COMPETITION

Mr. KERRY. As many of my colleagues are aware, on October 7, a coalition of prominent consumer groups released a study entitled "The Consumer Case Against Microsoft." The report reviews quantitative evidence, journalistic accounts of the software industry and evidence presented by the Department of Justice and the states Attorneys General in its discussion of four major areas of alleged attempts at monopolization—operating systems, desktop applications, web browsers and electronic commerce. The report concludes that Microsoft has a monopoly in several important segments of the consumer software market and is likely to continue to use its market power to gain monopoly market share in other existing and developing markets. In addition, the report argues that Microsoft's business practices and monopoly status combine to deprive consumers of cost savings, quality and choice. These are important issues, and I hope the next Congress will further explore this matter.

Later this month, after we adjourn, the antitrust case against Microsoft will go to trial, and it may conclude before the next Congress convenes. During the course of this trial, the public will learn much about business practices in the software industry, and issues surrounding competition in the software industry will likely gain a higher degree of visibility. I commend all of my colleagues to monitor this trial and the questions that it may raise.

I also ask my colleagues to review the consumers groups' report along with any rebuttal which Microsoft may put forth. The issues raised in the report and during the trial may force Congress to examine whether existing antitrust law sufficiently addresses market abuses in the new digital age. They may also force Congress to consider new and important consumer protection and market dominance issues absent traditional antitrust examination. In the final analysis, we must strive to ensure that all consumers, large and small, are able to benefit from a vibrant and competitive electronic marketplace marked by innovation, competitive pricing and consumer choice.

MANUFACTURED HOUSING IMPROVEMENT ACT

Mr. SHELBY. Mr. President, due to an inadvertent oversight, Senator SUSAN COLLINS was not listed as a cosponsor of S. 2145, the Manufactured Housing Improvement Act of 1998, when the Senate returned from August recess in September. I hope this statement in the CONGRESSIONAL RECORD will clarify Senator COLLIN's enthusiasm for S. 2145. I thank Senator COLLINS for her support of the bill.

PATENT AND TRADEMARK OFFICE REAUTHORIZATION

Mr. LEAHY. Mr. President, I am pleased that the Senate has passed the United States Patent and Trademark Office Reauthorization Act, Fiscal Year 1999, H.R. 3723. This bill, which passed the House of Representatives on May 12, 1998, is an important measure that would benefit all American inventors and would, for the first time in the history of the U.S. patent system, reduce patent fees.

The United States Patent and Trademark Office (PTO) is totally funded by user fees. Prior to 1990, the PTO was funded through a combination of user fees and taxpayer revenue. However, in a deficit reduction exercise in 1990, taxpayer support for the operations of the PTO was eliminated and user fees were substantially increased by the imposition of a surcharge on patent fees. The temptation to use the surcharge has proven to be increasingly irresistible to Congress and the Administration, to the detriment of sound functioning of our nation's patent system. Through Fiscal Year 1998, a total of $235 million has been diverted from the PTO to other unrelated agencies and programs.

At the urging of the inventor community, Congress allowed the surcharge to sunset at the end of Fiscal Year 1998. This means, however, that Congress must take affirmative action to adjust patent fees or the PTO will suffer a drastic reduction in revenue for the current fiscal year which will leave it unable to hire the patent examiners needed to reduce the time required to get a patent to eighteen months. Prompt processing of patent applications is particularly important for those inventors who need their patents to raise risk capital.

The Administration forwarded a draft bill to the Congress which would have continued patent fees at the current levels. However, in an oversight hearing before the House Judiciary Committee, Commissioner Lehman stated that the PTO would be unable to use all the revenues that would be generated if patent fees were to be continued at their current level in fiscal year 1999. Commissioner Lehman stated that keeping fees at their current level would generate $50 million in excess fee revenue which the Administration planned to divert to other government programs. The response by the House of Representatives was to craft a bill, H.R. 3723, that would adjust patent fees to provide all of the money which the PTO indicated that it could use in fiscal year 1999, but which would not generate an unneeded $50 million simply to support other government programs.

In the absence of any action on H.R. 3723, Congress had to include specific language in the continuing resolution signed by the President on September 25, 1998 addressing the level of patent fees that the PTO could charge. Section 117 of Public Law 105–240 provides that the PTO can continue to charge patent fees at the same level that existed on September 30, 1998 through October 9, 1998. As I previously noted, patent fees at this level are higher than they need to be to fully fund the PTO in fiscal year 1999. In a fiscal year when there are debates over how to use the billions of dollars of budget surplus, it is inappropriate for Congress to require the PTO to charge inventors more than the cost of rendering the services which they receive. By enacting H.R. 3723 we serve American inventors and provide them with the first real patent fee reduction in the history of the nation. This bill is good for American inventors and good for the United States.

THE HEALTH PROFESSIONS EDUCATION PARTNERSHIPS ACT 1998

Mr. JEFFORDS. Mr. President, I am very pleased to support the passage of S. 1754, the Health Professions Education Partnerships Act of 1998. This legislation reauthorizes the health care training programs contained in titles VII and VIII of the Public Health Service Act and its enactment will improve health workforce quality, diversity, and the distribution of funds—while requiring greater accountability of both the grant recipients of federal funds and the agency that administers them. I am pleased to be an original co-sponsor of the Act.

Senate bill 1754 reauthorizes and consolidates 37 categorical grant and contract authorities of title VII and VIII of the Public Health Service Act into 8 clusters to provide for the support of health professions training programs and related community-based educational partnerships. To preserve the integrity of the programs, 15 funding lines will continue. This legislation provides comprehensive, flexible, and effective authority for the support of health professions training programs and the related community-based educational partnerships.

In my own State of Vermont, the students of the University of Vermont's College of Medicine have benefited from a number of these programs and scholarships, including those relating to family medicine and professional nurse and nurse practitioner training. The newest title VII program in Vermont is the Area Health Education Center (AHEC) which opened its first site in April 1997 in the Northeast Kingdom of Vermont. The AHEC will decentralize health professions education by having portions of the training provided in primary medical personnel shortage areas and by improving the coordination and use of existing health resources. Over the next two years, two additional sites are planned in other underserved areas of the State. These efforts have contributed to making Vermont a better place to obtain health care services and they have improved the quality of life for its residents.

I want to thank Senator FRIST and his excellent staff for their dedication and hard work in drafting the Health Professions Education Partnerships Act of 1998. The enactment of this act will improve the training of our nation's health workforce and, also, provide for greater accountability of the public funds used to support these educational programs.

THE MEDICAL RESEARCH INFRASTRUCTURE GAP

Mr. HARKIN. Mr. President, before this Congress ends, I want to bring to my colleagues' attention an important issue confronting our nation's biomedical research enterprise and its search for medical breakthroughs as we move into the next century.

First, I want to say how pleased I am that we were able to provide the biggest increase ever for medical research this year. We worked hard to make that happen and I want to commend my colleague, Senator ARLEN SPECTER, for his leadership and work with me on this important accomplishment. The Conference Agreement of the Fiscal 1999 Labor, Health and Human Services, Education and Related Agencies Appropriations Subcommittee, provides a $2 billion, or 15 percent, increase for the National Institutes of Health (NIH), the principal source of Federal funding for medical research conducted at our nation's universities and other research institutions. That 15 percent increase puts Congress on course to double funding for the NIH over the next five years, a target I've called for and agreed to by the Senate earlier in this Congress.

However, as Congress embarks on this important investment in improved health, we must strengthen the totality of the biomedical research enterprise. While it is critical to focus on high quality, cutting edge basic and clinical research, we must also consider the quality of the laboratories and buildings where that research is being conducted, as well as the training of future scientists and the salaries of those scientists.

In fact, Mr. President, the infrastructure of research institutions, including the need for new physical facilities, is central to our nation's leadership in medical research. Despite the significant scientific advances produced by Federally-funded research, most of that research is currently being done in medical facilities built in the 1950's and 1960's, a time when the Federal government obligated from $30 million to $100 million a year for facility and equipment modernization. Since then, however, annual appropriations for modernization of our biomedical research infrastructure have been greatly reduced, ranging from zero to $20 million annually over the past decade. As a result, many of our research facilities and laboratories are outdated and inadequate to meet the challenge of the next millennium.

Over the past decade, I've worked hard both as chair and now Ranking Member of the health subcommittee to get the NIH budget increased to $15.5 billion. Yet, over that same period, support for facility and laboratory modernization totaled only $110 million. In the Fiscal 1999 appropriations bill, only 0.2 percent of the NIH budget will be directly devoted to improvement of the extramural laboratories that house NIH-funded scientists and support their research.

As we work to double funding for medical research over the next 5 years, the already serious shortfall in the modernization of our nation's aging research facilities will grow unless we take specific action. According to the most recent National Science Foundation study of the status of biomedical research facilities (1996), 47 percent of all biomedical research-performing institutions classified the amount of biological science research space as inadequate, and 51 percent indicated that they had an inadequate amount of medical science research space. Only 45 percent of biomedical research space at research-performing institutions was considered "suitable for scientifically competitive research."

The 1996 NSF Report further found that 36 percent of all institutions with biomedical research space reported capital projects, involving either construction or renovation, that were needed but had to be deferred because funding was not available. The estimated costs for deferred biomedical research construction and renovation projects totaled $4.1 billion. The problem is more severe for Historically Black Colleges and Universities, where only 36 percent of their biomedical research space was rated as being suitable for use in the most competitive scientific research.

The extramural facilities gap has been recognized by leading research organizations, the members of which have recommended a major construction and renovation funding initiative as part of any proposal to significantly increase funding for the NIH. In a March 1998 report, the Association of American Medical Colleges found that "recent advances in science have generated demand for new facilities and instruments, much of which could most rationally be provided through federal programs that are merit reviewed. The AAMC report concluded that "the government should establish and fund an

NIH construction authority, consistent with the general recommendations of the Wyngaarden Committee report of 1988, which projected at that time the need for a 10-year spending plan of $5 billion for new facilities and renovation."

These sentiments are echoed by a June 1998 report of the Federation of American Societies for Experimental Biology (FASEB), one of the leading organizations of basic researchers. The FASEB report concluded that "laboratories must be built and equipped for the science of the 21st century. Infrastructure investments should include renovation of existing space as well as new construction, where appropriate."

Mr. President I am committed to addressing this need. I believe future increases in federal funding for the NIH must be matched with increased funding for repair, renovation, and construction of our extramural research facilities. To this end, I plan on introducing legislation next year to significantly expand our investment in research facility modernization to assure that 21st century research is conducted in 21st century labs and facilities. And over the next year I plan to meet with patients, health professionals, and academic leaders from across the country to discuss this initiative which is so vitally important for the future of the entire medical research enterprise.

Mr. President, this is a very exciting time in the field of biomedical research. We are on the verge of major medical breakthroughs which hold the promise of improved health and reduced costs for the people of this nation and the world. The ravage of killers like cancer, heart disease and Parkinson's and the scores of other illnesses and conditions which take the lives and health of millions of Americans can be ended if we devote the resources. I look forward to working with my colleagues in the coming months and years to assure that this promise is realized.

TERRORISM AND THE GROWING THREAT TO HUMANITARIAN WORKERS ABROAD

Mr. BROWNBACK. Mr. President, today I wish to call attention to a target of terrorism that is rarely discussed. Increasingly, acts of violence are directed at some of the noblest members of our community, namely, humanitarian relief workers. I have been requested by internationally-respected aid agencies to call attention to this issue to encourage risk assessment solutions to minimize humanitarian aid worker fatalities. Borrowing from a recent GAO report entitled Combatting Terrorism, finding solutions demands a "threat and risk assessment approach used by several public and private sector organizations [who] deal with terrorist and other security risks." Unfortunately, little security expertise has been directed to their extraordinary circumstances.

How great is this threat? A March study presented at Harvard warned of sharp increases in security threats against the humanitarian community. The United Nations reports that the safety risks for relief workers has altered dramatically in the last 5 years. We know that at least 25 relief workers from America and other countries died in 1997. Between 1995 and 1997, the International Red Cross, alone, recorded 397 separate security incidents of aggression and banditry against its personnel.

In the farthest corners of the earth, aid workers feed the hungry, heal the sick, comfort the persecuted, and shelter the homeless. Non-profit aid organizations do the hardest work for the littlest pay under the greatest risks with the least support. From Kosovo to Cambodia, Angola to Afghanistan, Liberia to Chechnya, selfless people from America and beyond are serving in increasingly dangerous situations with tremendous personal exposure.

Some of these voluntary organizations have become household names like CARE, World Vision, the American Red Cross, and Catholic Relief Services. Some are smaller community-based charities. Some are missionary organizations in the most isolated places. Some are faith-based, others are secular, but all of them have one thing in common: they are at greater risk than ever before of murder, abduction, and assault.

Their extraordinary vulnerability is illustrated by the following stories: In Tajikistan, a health care worker for street children was kidnaped. Ultimately, both the worker and her 5 abductors were killed by a grenade they set off. In Rwanda, a worker transporting emergency food relief died during an attack by unknown assailants at a military checkpoint. The truck was then set on fire, resulting in the loss of 15 tons of humanitarian relief food which would have fed some 1,700 people for the next month. These are only a few of the countless untold stories of worker maiming and death.

At a recent training course in security for humanitarian organizations held by InterAction (a coalition of international aid organizations), an instructor asked if anyone present had ever evacuated a country under hazardous conditions or had been physically assaulted in the course of their work. Nearly all of the assembled field workers raised their hands. Many asked, "Which time?"

These voluntary organizations play a central role in foreign assistance, and significant American foreign assistance is being funneled through them at an increasing rate. As these groups distribute US foreign relief, they represent America in difficult and dangerous international arenas. And they do it well—they are lean, efficient, and flexible as is demanded by the extremities of working in the most conflicted regions worldwide. Their accomplishments are legendary. Over the years, they have stood between life and death for countless millions during numerous, threatened famines which were averted because of their efforts.

This is the central point of my concern. These courageous and selfless groups are more exposed than ever as terrorism continues to escalate against Americans worldwide. The least we can do during the current, on-going public debate on "terrorism" is to direct attention their way to generate risk assessment solutions. They cannot isolate themselves behind compound walls as would an embassy or arm themselves with military equipment. Their job description requires them to live among the people, and by necessity, become vulnerable.

What can be done? First, I do not want to implement more cumbersome legislation. I do, however, hope to energize private sector solutions relating to risk assessment in this new era of violence. I hope that both public and private sector expertise will be directed towards their unique security challenges.

One immediate solution is information sharing. Even though most experienced humanitarian workers can relate harrowing stories, hard data is difficult to obtain. Experts agree that security incidents among voluntary organizations operating overseas are vastly under-reported. By working cooperatively, aid organizations can share information and resources as incidents occur. Another solution involves training; InterAction, in conjunction with the Office of Foreign Disaster Assistance, recently developed a security training course for aid organizations which was well received. I encourage their continued endeavors and commend all groups seeking ways to improve security training. Training resources could be developed and shared via a consortium.

The gathering of more information quantifying the problems is another step towards solutions. The skills and equipment that once well-served field workers in the past may no longer be adequate. To get a better understanding of the scope and nature of these new problems, I am working with the General Accounting Office to provide a detailed study to assess this problem.

Aid workers are one of America's great natural resources—living in obscurity at great personal sacrifice to ease the suffering of strangers, they express the best of the American character through their extraordinary generosity. They already sacrifice their personal lives, they should not also pay with their blood. We should not lose

them to senseless acts of violence if this can be avoided by appropriate risk assessment and resource sharing. I believe there are unique solutions for these unique challenges, where the best security experts will creatively address these special needs. We should not let these heroes be defeated by heartless terrorism—we should not unnecessarily lose our best to this insidious form of violence.

THE INTERNATIONAL RELIGIOUS FREEDOM ACT

Mr. CRAIG. Mr. President, for some months now, pressure has been building for the enactment of legislation that would address the long-neglected but widespread problem of religious persecution in a number of countries, notably persecution of Christians. This legislation, which has been approved by both Houses of Congress and has been sent to the White House, addresses that problem in a manner that will allow the flexibility to protect U.S. interests. Because there was no Committee Report for this legislation, it is important that appropriate guidance be given as to the intent behind the legislation, for the benefit both of the Executive Branch and, in particular, the Commission established by the Act. As an original cosponsor of the legislation, I wish to supplement the Statement of Managers submitted by Mr. NICKLES to draw particular attention to two provisions in the Act that address what is the fundamental duty of any government: to protect the rights of its own citizens.

The primary purpose of this bill is to address the rampant persecution in many foreign countries by the governments of those countries against their own people. But however repugnant we find persecution of citizens of foreign countries—and properly so—it is even worse when we find that the U.S. government has too often turned a blind eye to violations of Americans' religious freedom by persecuting regimes. For example, the State Department has collaborated with the denial of religious freedom by shutting down Christian services on the premises of the U.S. Consulate in Jeddah (Saudi Arabia) and punished a whistle-blowing State Department official who protested. Similarly, the State Department has refused to take any meaningful action to secure the release of an unknown number of minor U.S. citizens who have been kept from leaving Saudi Arabia and who have been forcibly converted to Islam. This is an especially acute problem in the case of girls, who will not be able to leave Saudi Arabia even after reaching the age of majority—in effect, theirs is a life sentence.

This bill addresses both of these issues, and the intent of Congress is clear. First, the bill requires the State Department to report on both practices as they affect the rights of American citizens (section 102(b)(1)(B) (i) and (ii)). This report should be detailed and specific both as to the nature of the violations and the remedial actions that have been applied. Second, because forced religious conversion is among the violations that mandate presidential action under this bill, documentation of the victimization of minor U.S. citizens in this manner by any foreign government should be of particular note in the President's decision to take action. Third, section 107 mandates access for U.S. citizens to diplomatic missions and consular posts for the purpose of religious services on the same basis as the many other nongovernmental activities unrelated to the diplomatic mission that frequently are permitted access. Fourth, the Commission should take particular note of Congress' intent in the provisions relating to violations of Americans' rights in making its recommendations and should be strict in reviewing U.S. government policies in this area. And fifth, notice of these violations of U.S. citizens' rights should prompt a thorough review of the Department of State's too-often dismissive attitude toward these concerns in comparison to its desire to cultivate good relations with foreign governments.

ACCESS TO U.S. MISSIONS ABROAD

It is important to note that these concerns were not invented in the abstract but are drawn from real problems of real people. On the question of the State Department's negative attitude toward the desire of American citizens to be afforded the opportunity for worship in countries where this is forbidden, the following is relevant (from The American Spectator, "Saving Faith: Why won't the State Dept. stand up for Christians?" By Tom Bethell, April 1997):

> The Saudi dictatorship forbids all non-Muslim religious activity, but services were for years held on embassy and consular grounds in Riyadh and Jeddah. In the 1970's, hundreds of Catholics attended Mass within the U.S. mission each week; Protestant services were equally well attended, and Mormons had their own service. (No American diplomats thought to be Jewish are stationed in Saudi Arabia.) Within the British mission, such religious services continue today. But the U.S. mission has now phased them out. In contrast, the U.S. consulate in Jeddah sets aside special facilities for Islamic worship, five times a day, whether by Americans, Saudis, or embassy employees from other countries.
>
> I met with Tim Hunter at a restaurant near his home in Arlington, Virginia. Before joining the Foreign Service, he told me, he had worked for the U.S. Army in counterintelligence and as a political appointee to various federal agencies. When he arrived in Saudi Arabia in 1993 he was told by the Consul General that his "informal duties" would include monitoring the "Tuesday lecture," a euphemism for the Catholic Mass held on consulate grounds. By then, the number of attendees had dwindled to fifteen. The reason was not hard to find. Hunter's job was to tell any inquiring U.S. citizens that the embassy knew nothing about any such service or "Tuesday meeting." Only if callers were extremely persistent was he to meet with them and gauge their trustworthiness.
>
> Since this was entirely irregular and contrary to U.S. law, Hunter decided to blow the whistle. He even told the FBI what was going on. Within days of telling visiting officials from the Inspector General's office he was ordered to return to the U.S. A State Department review panel observed that Hunter had not "absorbed the Foreign Service culture"—an understatement. In April 1995, Hunter recalled, "two uniformed officers of the State Department's Diplomatic Security Service, displaying brightly polished 9mm caliber pistols, appeared at the office of my supervisor [James Byrnes] and advised him that I was being removed from further employment." Today Hunter calls the U.S. mission in Saudi Arabia a "rogue part of the U.S. diplomatic establishment." Thomas Friedman provided an oblique corroboration in the New York Times, noting in December 1995 that the U.S. has "withdrawn diplomats from Riyadh whom the Saudis felt became too knowledgeable and frank about problems in the kingdom."

Section 107 of this bill will remedy this problem. The State Department may not adopt a cavalier attitude toward the requests of U.S. citizens for access for the purpose of religious worship or suggest that such requests are uniquely unrelated to the conduct of the diplomatic mission in comparison to other permitted activities, for example, the dispensing and social consumption of alcoholic beverages and the serving of pork products, that are also contrary to Saudi law. Many other social and American community activities without any discernable diplomatic purpose will no doubt continue, and in most cases should continue, but religious service access requests under section 107 may receive no less consideration. The fact that several other foreign consulates afford access to worship for their citizens disproves any suggestion that diplomatic interests preclude similar provisions for Americans by the State Department. The annual report required under the bill must make this clear, and the Commission should give strict scrutiny to enforcement of this provision according to its clear intention. Finally, the victimization of Mr. Hunter for blowing the whistle on this matter is unconscionable, and the Commission should recommend and monitor speedy redress of his status by the State Department.

FORCED CONVERSION OF MINOR U.S. CITIZENS

If the neglect of the worship needs of Americans abroad is deplorable, inaction in the cases of the victimization of minors who have been taken to a foreign land, subjected to forced religious conversion, and prevented from returning to the United States where they would enjoy religious freedom is intolerable. One particular case illustrates the severity of this problem, that of Alia and Aisha Al Gheshiyan. In Chicago, Illinois, on January 25th, 1986,

Alia, aged seven, and Aisha, aged three and a half, visited the apartment of their father, Khalid Bin Hamad Al Gheshiyan, a citizen and Saudi Arabia. The girl's mother, Patricia Roush had been awarded custody of the children by a U.S. court but had agreed to permit their father to have the children for an overnight visit. He promised to return them to their mother the next day. However, instead of returning the girls to their mother, Al Gheshiyan abducted the two girls and took them to Saudi Arabia. On January 28th 1986, an Illinois court issued a warrant for Al Gheshiyan's arrest on charges of child abduction.

Having been removed from the United States and placed under the law of Saudi Arabia, where no non-Islamic region may be practiced, the girls (who had been baptized as Christians) were obliged to give up their previous Christian identity. According to their mother, who has secured documentation of her daughters' mandatory conversion to Islam:

My daughters Alia and Aisha Gheshiyan were raised in a Christian home by a Christian mother and were not familiar with Islam or their father's family, culture or religion. (Which he stated he was disobeying when he was in the United States for twelve years). My daughters are now young women who are nineteen and sixteen years of age with no possible choices of religious freedom. If they do not practice Islam, they could be killed—quite possibly by their own father. This is not uncommon in Saudi Arabia. If a child, especially a daughter, does not submit to her father's commands, he has the right to put her to death.

It is important to remember that in cases like that of Alia and Aisha, their plight amounts to a life sentence, because under Saudi law, even after attaining majority (as Alia already has) they may not travel abroad without their father's permission (in the case of unmarried girls and woman) or their husband's permission (in the case of married women).

As if the total denial of rights to these Americans were not bad enough, even more deplorable has been the response of the Department of State, which has simply dismissed the matter as a "child custody" case and has advised Ms. Roush to hire a lawyer for proceedings in a Shari's religious court—a court in which she, as a non-Muslim and a woman, has virtually no standing. There is no evidence that the State Department has ever dealt with this (and other such forced conversions) as not just a private dispute or a routine consular access case but as a state-to-state matter involving not only the solemn obligation of the government of the United States to secure the rights of its citizens but of the indefensible hostility of the Saudi government toward religious freedom. If the United States could make the fate of prominent Soviet Jewish "refuseniks" Natan Scharansky and Ida Nudel a matter of national policy in American relations with the Soviet Union—as we should have—the fate of Alia and Aisha must be seen as a litmus test of the willingness of the State Department to give proper weight to the requirements of this statue in its relations with the Riyadh government. The Commission should recommend specific action as the highest level to ensure that the United States no longer gives the impression that such treatment of its citizens is acceptable or is only a routine "private" or "family" matter.

COSPONSORSHIP OF S. 1529

Mr. KENNEDY. Mr. President, I would like to state for the RECORD that Senator LEAHY agreed to cosponsor S. 1529, the Hate Crimes Prevention Act of 1998 on September 30.

Due to an unfortunate clerical error, his name was not added until today, October 15.

Y2K CHALLENGE

Mr. DEWINE. Mr. President, almost everyone has heard of the impending "Year 2000" or "Y2K" problem, also commonly known as the "millennium bug." The problem itself is fairly simple. In the early years of computers, programmers set aside only two digits to denote the year in dates. To the "minds" behind computers and other technology-driven devices, the year 2000 is indistinguishable from the year 1900. The problem is present in billions of lines of software as well as billions of small computer chips embedded in electronic devices used by Americans every day. Without the necessary checks to ensure that electronic devices can operate by January 1, 2000, the impact of this computer bug could be wide-ranging and even disastrous. Household gadgets like garage door openers or VCRs could break down. Traffic delays could be caused by noncomplaint traffic lights. Stock exchanges and nuclear reactors could shut down.

Although the problem is easy to describe, it has proven difficult and time-consuming to solve. To make the necessary corrections, each line of computer code must be hand-checked by a computer programmer, and all computer chips must be tested. In the United States alone, it is estimated that it will cost over $600 billion to correct the millions of lines of computer program code. Not only are these corrections expensive, the process of analyzing, correcting, testing and integrating software and hardware has become a heavy management burden on all levels of government as well as the private sector.

Although the federal government has been working to meet the time constraints of the Y2K deadline, the General Accounting Office has found that problems still remain with computer systems at every federal agency they examined. Overall, it is estimated that the federal government must check at least 7,336 mission critical computer systems. Some larger systems, those used by the Internal Revenue Service, for example, have more than 60 lines of code per system. The Office of Management and Budget has established an interagency committee to facilitate federal efforts to instruct each federal agency on the best possible solutions.

Some federal agencies are closer to achieving Y2K compliance than others. The Treasury Department's Financial Management Service, responsible for paying Social Security disability and retirement benefits, Veterans' benefits, and IRS refunds, installed two new Y2K compliant systems earlier this month. Treasury Department officials are confident they will be ready and checks will arrive on time.

The Federal Aviation Administration is among the agencies furthest behind in this process. This is of particular concern to me. A recent survey by the Air Transport Association of America shows that 35 percent of our nation's airports surveyed do not yet have a Y2K plan and that only 20 of 81 of our country's larger airports are on schedule to fix their Y2K problems. Although FAA officials testified that they will, in fact, be fully compliant by the end of June 1999, this will not give their administrators much time for testing the updated systems. The Transportation Department is prepared to shut down unsafe aviation systems domestically and will be working with the State Department to access the safety of international systems so they will be ready to stop flights to unsafe airports. Unless we can accelerate Y2K compliance at our airports, the rippling Y2K effect on air travel could make air travel inconvenient and costly to the American traveler.

During this session of Congress, we have devoted a great deal of attention to the Y2K challenge. A special Senate Subcommittee on Y2K, headed by our colleague from Utah, Senator ROBERT BENNETT, held several hearings to raise awareness of this problem and to discuss possible solutions. To expedite the federal government's efforts to correct all agency computer systems, last year Congress provided $86 million to perform Y2K updates at the Federal Aviation Administration, the Treasury Department and the Health Care Financing Administration. This fall, Congress is expected to provide another $3.25 billion in emergency funding to ensure the federal government can fully meet the Y2K challenge.

We also need to encourage companies, large and small, to meet this challenge. During congressional hearings, representatives from the private sector discussed hesitancy to disclose any information about their own Y2K

progress. Companies are reluctant to work together based almost entirely on fears of potential litigation and legal liabilities. For example, in my state of Ohio, NCR, a world-wide provider of information technology solutions, has been working on Y2K solutions since 1996. NCR made valuable progress in research on its own preparedness for Y2K and in finding solutions to help other businesses prepare for the millennium. Unfortunately, they were hesitant to deliver these statements for fear that they would be sued. In order to encourage the private sector to share valuable information and experiences, these lines of communication need to be open. Congress recently passed legislation, S. 2392, to encourage companies to freely discuss potential Y2K problems, solutions, test results and readiness amongst themselves. This law will provide businesses the temporary protection from lawsuits regarding statements made about Y2K.

As the chairman of the Antitrust, Business Rights and Competition Subcommittee, I am usually reluctant to support any exemption from our antitrust laws. As a general proposition it is very important that these laws apply broadly to all sectors of the economy to protect consumers and allow businesses to operate in an environment of fair and rigorous competition. However, I do support the narrow, temporary exemption passed by Congress as a part of our overall effort to address the Y2K problem.

This exemption does not cover conduct such as price fixing or group boycotts. Even with these important limitations this antitrust exemption should provide significant protection for those who might otherwise be reluctant to pool resources and share information.

S. 2392 is crucial to opening the lines of communication between companies, particularly those in the utility and telecommunications industries, which were cited by the Senate Y2K Subcommittee as its top priority for review. This legislation will be a giant step in implementing Y2K solutions. Not only will the bill promote discussion, it will also establish a single government website for access to Y2K information.

Mr. President, both the supplemental spending and information sharing bills represent the kind of effort we need to meet the Y2K challenge. Without question, we are in an era of rapid communication and innovation, and the role computer technology plays in our daily lives is a constant reminder of this fact. Now, with this technology at risk of disrupting our lives as we usher in a new century and millennium, our ability to both communicate and to innovate will be put to the test over the next 14 months. It will take a combined effort from the public and private sector to pass this test.

FAILURE TO PASS JUVENILE CRIME LEGISLATION

Mr. LEAHY. Mr. President, last Friday, the Chairman of the Judiciary Committee, my good friend from Utah, spoke on the floor about juvenile justice legislation. He indicated that he will be urging the Majority Leader to make this issue one of the top legislative priorities in the 106th Congress. It is indeed unfortunate that the Senate has failed to consider legislation in this important area.

Improving our Nation's juvenile justice system and preventing juvenile delinquency has strong bipartisan support in Congress and in the White House. That is why I and other Democrats have introduced juvenile crime legislation both at the beginning and the end of this Congress. Within the first weeks of the 105th Congress, I joined Senator DASCHLE in introducing the "Youth Violence, Crime and Drug Abuse Control Act of 1997," S. 15, and last month introduced, with the support of Senators DASCHLE, BIDEN and other Democratic members, the "Safe Schools, Safe Streets and Secure Borders Act of 1998," S. 2484. That is why the Administration transmitted juvenile crime legislation, the "Anti-Gang and Youth Violence Control Act of 1997," S. 362, which I introduced with Senator BIDEN on the Administration's behalf in February 1997.

Given the strong interest in this issue from both sides of the aisle, the failure of the Senate to consider juvenile crime legislation would appear puzzling. Indeed, the House passed juvenile justice legislation three times this year, when it sent to the Senate H.R. 3 on May 8, 1997, H.R. 1818 on July 15, 1997, and both these bills again attached to S. 2073 on September 15, 1998. The Senate juvenile crime bill, S. 10, was voted on by the Judiciary Committee in July 1997, and then left to languish for over a year.

The Republicans have never called up S. 10 for consideration by the full Senate. Instead, in early September they rushed to the floor with no warning and offered terms for bringing up the bill that would have significantly limited debate and amendments on the many controversial items in the bill. For example, although the substitute juvenile crime bill that the Republicans wanted to debate contained over 160 changes from the Committee-reported bill, the majority wished to limit Democratic amendments to five. This offer was unacceptable, as the Republicans well knew before they ever offered it.

We should recognize this offer for what it is: a procedural charade engaged in by the Republicans in a feeble effort to place the blame on the minority for the majority's failure to bring up juvenile justice legislation in the Senate. Nevertheless, I suggested a plan for a full and fair debate on S. 10. On September 25, 1998, I put in the record a proposal that would have limited the amendments offered by Democrats to the most controversial aspects of the bill, such as restoring the core protection for juvenile status offenders to keep them out of jail, keeping juveniles who are in custody separated from adult inmates, and ensuring adequate prevention funding.

I never heard back from the Republicans. They simply ignored my proposal, and failed to turn to this issue again on the floor of the Senate. These facts make clear that assertions about Democrats refusing proposals to limit the number of amendments to S. 10, and refusing to permit a conference on House-passed legislation, could not be farther from the truth. Indeed, no proposal to agree to a conference was ever propounded on the floor of the Senate.

During the past year, I have spoken on the floor of the Senate and at hearings on numerous occasions about my concerns with S. 10, including on November 13, 1997, January 29, 1998, April 1, 1998, June 23, 1998, and September 8, 1998. On each of those occasions, I expressed my willingness to work with the Chairman in a bipartisan manner to improve this bill. Since Committee consideration of the bill, I have continued to raise the areas of concern that went unaddressed in the Committee-reported bill. Specifically, I was concerned that the bill skimped on effective prevention efforts to stop children from getting into trouble in the first place.

Second, I was concerned that the bill would gut the core protections, which have been in place for over 20 years to protect children that come into contact with the criminal justice system and keep them out of harm's way from adult inmates, to keep status and non-offenders out of jail altogether, and to address disproportionate minority confinement.

Third, I was concerned about the federalization of juvenile crime due to S. 10's elimination of the requirement that federal courts may only get involved in prosecutions of juveniles for offenses with which the federal government has concurrent jurisdiction with the State, if the State cannot or declines to prosecute the juvenile.

Finally, I was concerned the new accountability block grant in S. 10 contained onerous eligibility requirements that would end up imposing on the States a one-size-fits-all uniform sewn-up in Washington for dealing with juvenile crime. I know many States viewed this bill as a straight-jacket, which is why it was opposed by the National Governors' Association, the National Conference of State Legislatures, the National Association of Counties and the Council of State Governments.

Unfortunately, productive negotiations on this bill did not commence in earnest until the final days of this Congress. The fact that negotiations began

at all is due in no small part to the efforts and leadership of Representatives BILL MCCOLLUM, CHARLES SCHUMER, FRANK RIGGS, BOBBY SCOTT and JOHN CONYERS. They and their staffs have worked tirelessly on this issue and to address many of the concerns that were raised about the juvenile crime legislation.

Over the past week, I have worked with Senators HATCH, SESSIONS, BIDEN, KENNEDY, KOHL, FEINGOLD and BINGAMAN, and our House counterparts, to craft bipartisan legislation that could be passed in the final days of this Congress. While our last-minute efforts to complete action on this bill were unsuccessful, I appreciate the good faith in which these bipartisan, bicameral negotiations took place and recognize the important compromises that were offered on all sides. Time ran out in this Congress to get our job done on this legislation.

I appreciate the frustration of many of my Republican colleagues about our inability to achieve consensus on juvenile justice legislation because I know that those frustrations are shared by me and my Democratic colleagues. It is unfortunate that the majority did not chose to begin these negotiations, and did not chose to start addressing the significant criticisms of this bill, until the last minutes of this Congress.

When the 106th Congress convenes, and we again turn our attention to juvenile justice legislation, my hope is that the good work we have accomplished over the last week is the starting point. If not, I fear that the 106th Congress will end up at the same place we are today: with no juvenile justice legislation to show as an accomplishment for all of us. I thank all who have been willing to make the effort in the final days, and look forward to completing this work early next year.

CBO PROJECT ANALYSES

Mr. MURKOWSKI. Mr. President, at the time the Committee on Energy and Natural Resources filed its reports on H.R. 4079, to authorize the construction of temperature control devices at Folsom Dam in California, and H.R. 3687, the Canadian River Prepayment Act, the analyses from the Congressional Budget Office were not available. Those analyses have now been received. I ask unanimous consent that they be printed in the RECORD for the advice of the Senate.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

H.R. 4079—An act to authorize the construction of temperature control devices at Folsom Dam in California

Summary: H.R. 4079 would authorize the Secretary of the Interior, acting through the Bureau of Reclamation, to construct devices for controlling and monitoring water temperatures at Folsom Dam and certain nonfederal facilities. Temperature control devices allow water to be diverted from a higher point in the water column of a reservoir, thereby preserving cool water for fish. The act would authorize the appropriation of $7 million (in October 1997 dollars) for construction and such sums as necessary for operating, maintaining, and replacing the devices. A portion of these amounts would be repaid by water and power users in the region.

CBO estimates that implementing H.R. 4079 would result in additional outlays of $7 million over the 1999–2003 period, assuming the appropriation of the necessary amounts. H.R. 4079 would affect direct spending; therefore, pay-as-you-go procedures would apply. CBO estimates that enacting H.R. 4079 would decrease direct spending by about $400,000 over the 1999–2003 period. The legislation contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA) and would have no significant impact on the budgets of state, local, or tribal governments.

Estimated cost to the Federal Government: The estimated budgetary impact of H.R. 4079 is shown in the following table. The costs of this legislation fall within budget function 300 (natural resources and environment).

	By fiscal years, in millions of dollars—				
	1999	2000	2001	2002	2003
CHANGES IN SPENDING SUBJECT TO APPROPRIATION					
Estimated Authorization Level	7	[1]	[1]	[1]	[1]
Estimated Outlays	5	1	1	[1]	[1]

[1] Less than $500,000.

Basis of estimate: For purposes of this estimate, CBO assumes that H.R. 4079 will be enacted by the beginning of fiscal year 1999 and that the estimated amounts necessary to implement the act will be appropriated each year.

Spending subject to appropriation

H.R. 4079 would authorize the appropriation of $5 million for constructing a temperature control device and monitoring apparatus at Folsom Dam and $2 million for constructing similar mechanisms at nearby nonfederal facilities. Those amounts are authorized in October 1997 dollars and may be adjusted to reflect inflation, but such adjustments would not be significant if funds are provided in fiscal year 1999 or 2000. Based on information provided by the bureau, CBO expects that construction at Folsom Dam would be completed in 1999 and that construction at nonfederal facilities would be completed by 2001, if the necessary appropriations are provided. CBO estimates that the annual cost of operating, maintaining, and replacing these devices over the 1999–2003 period would be negligible.

Direct spending

About $4 million of the cost of constructing the temperature control device and monitoring apparatus at Folsom Dam would be repaid by water and power users. (The costs of devices at nonfederal facilities would not be repaid.) CBO estimates that repayments would total $140,000 annually over the 2001–2030 period. (Because water and power rates are set one year in advance, there would be a one-year lag between the year the project is completed, 1999, and the year that repayment begins.)

Pay-as-you-go-considerations: The Balanced Budget and Emergency Deficit Control Act sets up pay-as-you-go procedures for legislation affecting direct spending or receipts. CBO estimates that enacting H.R. 4079 would affect direct spending but that there would be no significant impact in any year. Enacting this legislation would not affect governmental receipts.

Estimated intergovernmental and private sector impact: H.R. 4079 contains no intergovernmental or private-sector mandates as defined in UMRA and would have no significant impact on the budgets of state, local, or tribal governments.

Previous CBO estimate: On August 10, 1998, CBO provided an estimate for H.R. 4079, as ordered reported by the House Committee on Resources on July 29, 1998. The two versions of the legislation and their estimated costs are identical.

Estimate prepared by: Gary Brown.

Estimate approved by: Paul N. Van de Water, Assistant Director for Budget Analysis.

H.R. 3687—Canadian River Project Prepayment Act

Summary: H.R. 3687 would authorize prepayment by the Canadian River Municipal Water Authority of amounts due for the pipeline and related facilities of the Canadian River Project in Texas. Current law provides for conveying title for these elements to the authority once repayment is complete.

CBO estimates that enacting H.R. 3687 would slightly reduce discretionary spending, and would yield a net decrease in direct spending of $26 million over the 1999–2003 period. That near-term cash savings would be offset on a present-value basis, however, by the loss of currently scheduled payments. Because H.R. 3687 would affect direct spending, pay-as-you-go procedures would apply.

The act contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA). State and local governments might incur some costs as a result of H.R. 3687's enactment, but these costs would be voluntary.

Estimated cost to the Federal Government: The estimated budgetary impact of H.R. 3687 is shown in the following table. The costs of this legislation fall within budget function 300 (natural resources and environment).

	By fiscal years, in millions of dollars—				
	1999	2000	2001	2002	2003
DIRECT SPENDING					
Spending Under Current law: [1]					
Estimated Budget Authority	0	0	−3	−3	−3
Estimated Outlays	0	0	−3	−3	−3
Proposed Changes:					
Estimated Budget Authority	−35	0	3	3	3
Estimated Outlays	−35	0	3	3	3
Spending Under H.R. 3687:					
Estimated Budget Authority	−35	0	0	0	0
Estimated Outlays	−35	0	0	0	0

[1] The next payment from the Canadian River Municipal Water Authority is not due until 2001.

Basis of estimate: CBO assumes that H.R. 3687 is enacted near the beginning of fiscal year 1999 and that prepayment will occur within this fiscal year. (The authority to prepay would expire 360 days after enactment.)

Direct spending

CBO estimates that enacting H.R. 3687 would result in a prepayment to the federal government of about $35 million in 1999. After prepayment, the authority would no longer make the regularly scheduled payment of $3 million a year over the 2001–2022 period.

Spending subject to appropriation

The Canadian River Municipal Water Authority pays 100 percent of the cost of operating and maintaining the Canadian River project dam, reservoir, pipeline, and related facilities. The Bureau of Reclamation reimburses the authority for about 26 percent of the cost of operating and maintaining the project dam and reservoir. The 1998 appropriated amount for this purpose was about $30,000. Enacting H.R. 3687 would eliminate this annual federal cost as early as 1999.

Pay-as-you-go considerations: The Balanced Budget and Emergency Deficit Control Act sets up pay-as-you-go procedures for legislation affecting direct spending or receipts. The net changes in outlays that are subject to pay-as-you-go procedures are shown in the following table. For the purposes of enforcing pay-as-you-go procedures, only the effects in the budget year and the succeeding four years are counted. Enacting H.R. 3687 would not affect governmental receipts.

	By fiscal years, in millions of dollars—									
	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
Changes in outlays	−35	0	3	3	3	3	3	3	3	3
Changes in receipts	Not applicable									

Estimated impact on State, local, and tribal governments: H.R. 3687 contains no intergovernmental mandates as defined in UMRA. The conveyance authorized by this legislation would be voluntary on the part of the authority, and any costs incurred as a result would be accepted by them on that basis. As conditions of the conveyance, H.R. 3687 would require the authority to prepay its outstanding obligations to the federal government and to assume all responsibility for the operations and maintenance costs of the project. The act would impose no other costs on state, local, or tribal governments.

Estimated impact on the private sector: This act would impose no new private-sector mandates as defined in UMRA.

Estimate prepared by: Federal Costs: Gary Brown. Impact on State, Local, and Tribal Governments: Marjorie Miller.

Estimate approved by: Paul N. Van de Water, Assistant Director for Budget Analysis.

MESSAGES FROM THE HOUSE RECEIVED DURING RECESS

ENROLLED JOINT RESOLUTION SIGNED

Under the authority of the order of the Senate of January 7, 1997, the Secretary of the Senate, on October 14, 1998, during the recess of the Senate, received a message from the House of Representatives announcing that the Speaker has signed the following enrolled joint resolution:

H.J. Res. 135. Joint resolution making further continuing appropriations for the fiscal year 1999, and for other purposes.

Under the authority of the order of the Senate of January 7, 1997, the enrolled joint resolution was signed by the President pro tempore (Mr. THURMOND) on October 14, 1998.

MESSAGES FROM THE HOUSE RECEIVED DURING RECESS

ENROLLED BILLS SIGNED

Under the authority of the order of the Senate of January 7, 1997, the Secretary of the Senate, on October 15, 1998, during the recess of the Senate, received a message from the House of Representatives announcing that the Speaker has signed the following enrolled bills:

H.R. 8. An act to amend the Clean Air Act to deny entry into the United States of certain foreign motor vehicles that do not comply with State laws governing motor vehicle emissions, and for other purposes.

H.R. 53. An act to require the general application of the antitrust laws to major league baseball, and for other purposes.

H.R. 505. An act to amend the provisions of title 17, United States Code, with respect to the duration of copyright, and for other purposes.

H.R. 2206. An act to amend the Head Start Act, the Low-Income Home Energy Assistance Act of 1981, and the Community Services Block Grant Act to reauthorize and make improvements to those Acts, to establish demonstration projects that provide an opportunity for persons with limited means to accumulate assets, and for other purposes.

H.R. 2235. An act to amend part Q of the Omnibus Crime Control and Safe Streets Act of 1968 to encourage the use of school resource officers.

The enrolled bills were signed subsequently by the President pro tempore (Mr. THURMOND).

MESSAGES FROM THE HOUSE

At 2:33 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 559. An act to amend title 38, United States Code, to add bronchiolo-alveolar carcinoma to the list of diseases presumed to be service-connected for certain radiation-exposed veterans.

H.R. 3878. An act to subject certain mineral interests to the operation of the Mineral Leasing Act, and for other purposes.

H.R. 4243. An act to reduce waste, fraud, and error in Government programs by making improvements with respect to Federal management and debt collection practices, Federal payment system, Federal benefit programs, and for other purposes.

H.R. 4501. An act to require the Secretary of Agriculture and the Secretary of the Interior to conduct a study to improve the access for persons with disabilities to outdoor recreational opportunities made available to the public.

H.R. 4519. An act to authorize the President to consent to third party transfer of the ex-U.S.S. *Bowman County* to the U.S.S. LST Ship Memorial, Inc.

The message also announced that the House has passed the following bills and joint resolution, without amendment:

S. 1134. An act granting the consent and approval of Congress to an interstate forest fire protection compact.

S. 2500. An act to protect the sanctity of contract and leases entered into by surface patent holders with respect to coalbed methane gas.

S.J. Res. 35. Joint resolution granting the consent of Congress to the Pacific Northwest Emergency Management Arrangement.

The message further announced that the House has passed the following bill, with amendments, in which it requests the concurrence of the Senate:

H.R. 2807. An act to amend the Rhinoceros and Tiger Conservation Act of 1994 to prohibit the sale, importation, and exportation of products labeled as containing substances derived from rhinoceros or tiger.

The message also announced that the House agrees to the amendment of the Senate to the amendments of the House to the bill (S. 417) to extend energy conservation programs under the Energy Policy and Conservation Act through September 30, 2002.

The message further announced that the House agrees to the amendment of the Senate to the bill (H.R. 4660) to amend the Senate Department Basic Authorities Act of 1956 to provide rewards for information leading to the arrest or conviction of any individual for the commission of an act, or conspiracy to act, of international terrorism, narcotics related offenses, or for serious violations of international humanitarian law relating to the Former Yugoslavia, and for other purposes.

The message also announced that pursuant to the provisions of section 2(b)(2) of Public Law 105–186, the Speaker appoints the following Members of the House to the Presidential Advisory Commission on Holocaust Assets in the United States: Mr. GILMAN and Mr. FOX of Pennsylvania.

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on October 15, 1998, he had presented to the President of the United States, the following enrolled bills:

S. 53. An act to require the general application of the antitrust laws to major league baseball, and for other purposes.

S. 505. An act to amend the provisions of title 17, United States Code, with respect to the duration of copyright, and for other purposes.

S. 2206. An act to amend the Head Start Act, the Low-Income Home Energy Assistance Act of 1981, and the Community Services Block Grant Act to reauthorize and

make improvements to those Acts, to establish demonstration projects that provide an opportunity for persons with limited means to accumulate assets, and for other purposes.

S. 2235. An act to amend part Q of the Omnibus Crime Control and Safe Streets Act of 1968 to encourage the use of school resources officers.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–7509. A communication from the Assistant General Counsel for Regulations, Department of Education, transmitting, pursuant to law, the report of a rule entitled "Rehabilitation Training: Rehabilitation Long-Term Training" received on October 13, 1998; to the Committee on Labor and Human Resources.

EC–7510. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule regarding income from sales of inventory involving possessions of the United States (RIN1545–AU79) received on October 13, 1998; to the Committee on Finance.

EC–7511. A communication from the Chairman of the Consumer Products Safety Commission, transmitting, pursuant to law, the Commission's annual report under the Government in the Sunshine Act for calendar year 1997; to the Committee on Governmental Affairs.

EC–7512. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Azoxystrobin; Time-Limited Pesticide Tolerance" (RIN2070–AB78) received on October 13, 1998; to the Committee on Environment and Public Works.

EC–7513. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Clean Air Act Approval and Promulgation of State Implementation Plan for South Dakota; Revisions to the Air Pollution Control Program" (FRL6175–4) received on October 13, 1998; to the Committee on Environment and Public Works.

EC–7514. A communication from the Director of the Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Endangered and Threatened Wildlife and Plants; Final Rule to Establish an Additional Manatee Sanctuary in Kings Bay, Crystal River, Florida" (RIN1018–AE47) received on October 13, 1998; to the Committee on Environment and Public Works.

EC–7515. A communication from the Federal Register Liaison Officer, Office of Thrift Supervision, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Interim Guidelines Establishing Year 2000 Standards for Safety and Soundness" (RIN1550–AB27) received on October 13, 1998; to the Committee on Banking, Housing, and Urban Affairs.

EC–7516. A communication from the Assistant Secretary for Land and Minerals Management, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Grazing Administration; Alaska; Reindeer; General" (RIN1004–AD06) received on October 13, 1998; to the Committee on Indian Affairs.

EC–7517. A communication from the Associate Managing Director for Performance Evaluation and Records Management, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Table of Allotments, FM Broadcast Stations (Olney, Archer, Denison-Sherman and Azle, Texas; and Lawton, Oklahoma)" (Docket 97–225) received on October 9, 1998; to the Committee on Commerce, Science, and Transportation.

EC–7518. A communication from the Associate Managing Director for Performance Evaluation and Records Management, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Table of Allotments, FM Broadcast Stations (Arcadia, Ellingon, and Marble Hill, Missouri, Carbondale and Steeleville, Illinois, and Tiponville, Tennessee)" (Docket 97–168) received on October 9, 1998; to the Committee on Commerce, Science, and Transportation.

EC–7519. A communication from the Associate Managing Director for Performance Evaluation and Records Management, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Table of Allotments, FM Broadcast Stations (Eastland and Baird, Texas)" (Docket 97–242) received on October 9, 1998; to the Committee on Commerce, Science, and Transportation.

EC–7520. A communication from the Associate Managing Director for Performance Evaluation and Records Management, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Table of Allotments, FM Broadcast Stations (Laramie and Rock River, Wyoming)" (Docket 96–255) received on October 9, 1998; to the Committee on Commerce, Science, and Transportation.

EC–7521. A communication from the Associate Managing Director for Performance Evaluation and Records Management, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Table of Allotments, FM Broadcast Stations (Freeport and Cedarville, Illinois)" (Docket 97–67) received on October 9, 1998; to the Committee on Commerce, Science, and Transportation.

EC–7522. A communication from the Associate Managing Director for Performance Evaluation and Records Management, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Table of Allotments, FM Broadcast Stations (Missoula, Montana)" (Docket 98–106) received on October 9, 1998; to the Committee on Commerce, Science, and Transportation.

EC–7523. A communication from the Associate Managing Director for Performance Evaluation and Records Management, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Rules to Allow Interactive Video and Data Service Licensees to Provide Mobile Services" (Docket 98–169) received on October 9, 1998; to the Committee on Commerce, Science, and Transportation.

EC–7524. A communication from the Chairman of the National Transportation Safety Board, transmitting, pursuant to law, the Board's fiscal year 2000 budget request; to the Committee on Commerce, Science, and Transportation.

EC–7525. A communication from the Secretary of the Interior, the Secretary of Labor, the Secretary of Commerce and the Attorney General, transmitting jointly, a report recommending the enactment of legislation to extend federal immigration and wage laws to the Commonwealth of the Northern Mariana Islands; to the Committee on Energy and Natural Resources.

EC–7526. A communication from the Administrator of the Energy Information Administration, Department of Energy, transmitting, a report entitled "Impacts of the Kyoto Protocol on U.S. Energy Markets and Economic Activity"; to the Committee on Energy and Natural Resources.

EC–7527. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule regarding adequacy determinations for Alaska State Municipal Solid Waste Landfill Permit Programs (FRL6177–6) received on October 13, 1998; to the Committee on Environment and Public Works.

EC–7528. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule regarding New Jersey state plans for the control of oxides of nitrogen (FRL6174–5) received on October 13, 1998; to the Committee on Environment and Public Works.

EC–7529. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Request for Delegation of the Accidental Release Prevention Requirements: Risk Management Programs Under Clean Air Act Section 112(r) (7): State of Florida" (FRL6166–9) received on October 14, 1998; to the Committee on Environment and Public Works.

EC–7530. A communication from the Acting Assistant Attorney General, Department of Justice, transmitting, pursuant to law, the Department's report entitled "Report on Citizenship of Certain Legalized Aliens"; to the Committee on the Judiciary.

EC–7531. A communication from the Commissioner of the Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, the report of a rule entitled "Suspension of Deportation and Cancellation of Removal" (RIN1125–AA25) received on October 14, 1998; to the Committee on the Judiciary.

EC–7532. A communication from the Administrator of the Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Fresh Bartlett Pears Grown in Oregon and Washington; Decreased Assessment Rate" (Docket FV98–931–1 IFR) received on October 14, 1998; to the Committee on Agriculture, Nutrition, and Forestry.

EC–7533. A communication from the Administrator of the Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Tomatoes Grown in Florida; Partial Exemption From Handling Regulation for Producer Field-Packed Tomatoes" (Docket FV98–966–2 IFR) received on October 14, 1998; to the Committee on Agriculture, Nutrition, and Forestry.

EC–7534. A communication from the Administrator of the Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Oranges and Grapefruit Grown in the Lower Rio Grand Valley in Texas; Decreased Assessment Rate" (Docket FV98–906–1 IFR) received on October 14, 1998; to the

Committee on Agriculture, Nutrition, and Forestry.

EC–7535. A communication from the Administrator of National Banks, Office of the Comptroller of the Currency, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Safety and Soundness Standards" (RIN1550–AB27) received on October 14, 1998; to the Committee on Banking, Housing, and Urban Affairs.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred to as indicated:

By Mr. LEAHY:

S. 2636. A bill to promote economically sound modernization of electric power generation capacity in the United States, to establish requirements to improve the combustion heat rate efficiency of fossil fuel-fired electric utility generating units, to reduce emissions of mercury, carbon dioxide, nitrogen oxides, and sulfur dioxide, to require that all fossil fuel-fired electric utility generating units operating in the United States meet new source review requirements, and to promote alternative energy sources such as solar, wind, and biomass; to the Committee on Finance.

By Mr. HATCH:

S. 2637. A bill for the relief of Belinda McGregory; considered and passed.

By Mr. FRIST (for himself, Mr. DEWINE, Mr. KENNEDY, Mr. SMITH of Oregon, Mr. THOMPSON, and Mr. WYDEN):

S. 2638. A bill to provide support for certain institutes and schools; considered and passed.

By Mr. MURKOWSKI:

S. 2639. A bill to require the Secretary of the Interior to submit a report on the feasibility and desirability of recovering the costs of high altitude lifesaving missions on Mount McKinley in Denali National Park and Preserve, Alaska; to the Committee on Energy and Natural Resources.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. LOTT:

S. Res. 300. A resolution electing James W. Ziglar, of Mississippi, as the Sergeant at Arms and Doorkeeper of the Senate; considered and agreed to.

S. Res. 301. A resolution relative to Rule XXXIX; considered and agreed to.

S. Res. 302. A resolution relative to Rule XXXIII; considered and agreed to.

S. Res. 303. A resolution authorizing the President of the Senate, the President of the Senate pro tempore, and the Majority and Minority Leaders to make certain appointments during the recess or adjournment of the present session; considered and agreed to.

S. Res. 304. A resolution tendering the thanks of the Senate to the Vice President for courteous, dignified, and impartial manner in which he has presided over the deliberations of the Senate; considered and agreed to.

S. Res. 305. A resolution tendering the thanks of the Senate to the President pro tempore for the courteous, dignified, and impartial manner in which he has presided over the deliberations of the Senate; considered and agreed to.

S. Res. 306. A resolution to commend the exemplary leadership of the Democratic Leader; submitted and read.

By Mr. DASCHLE:

S. Res. 307. A resolution to commend the exemplary leadership of the Majority leader; submitted and read.

By Mr. DODD (for himself, Mr. INOUYE, and Mr. LEVIN):

S. Res. 308. A resolution commending the crew members of the United States Navy destroyers of DesRon 61 for their heroism, intrepidity, and skill in action in the only naval surface engagement occurring inside Tokyo Bay during World War II; considered and agreed to.

By Mr. HELMS (for himself and Mr. MCCONNELL):

S. Res. 309. A resolution expressing the sense of the Senate regarding the culpability of Hun Sen for violations of international humanitarian law after 1978 in Cambodia (the former People's Republic of Kampuchea and the State of Cambodia); to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. LEAHY:

S. 2636. A bill to promote economically sound modernization of electric power generation capacity in the United States, to establish requirements to improve the combustion heat rate efficiency of fossil fuel-fired electric utility generating units, to reduce emissions of mercury, carbon dioxide, nitrogen oxides, and sulfur dioxide, to require that all fossil fuel-fired electric utility generating units operating in the United States meet new source review requirements, and to promote alternative energy sources such as solar, wind, and biomass; to the Committee on Finance.

CLEAN POWER PLANT AND MODERNIZATION ACT OF 1998

Mr. LEAHY. Mr. President, as we approach the close of the 105th Congress, it is time to take stock of our accomplishments, and reflect on the work that remains. When the environmental record of this Congress is tallied up, there won't be much to show. At best, we have avoided a great roll-back of environmental protections. We can't claim to have broken much new ground.

To her credit, Carol Browner and her staff at the Environmental Protection Agency have tried to push ahead in a very difficult political climate. Administrator Browner recently announced that EPA was ordering 22 Eastern states to make sharp cuts in emissions of the pollutants that result in summertime ozone pollution. A significant portion of these pollutants come from coal-fired power plants. The predictable howl from the utility companies and their lobbyists is being heard on Capitol Hill. I applaud Administrator Browner and her staff for their persistence on this important issue.

Even though this is a good step, it doesn't go far enough. Stronger, more comprehensive action is needed to finally address the whole gamut of air pollution problems that spew from power plant smoke stacks.

Taken collectively, fossil fuel-fired power plants constitute the largest source of air pollution in the United States. It is clear by now that the current Clean Air Act and its regulations are not up to the job of addressing the local, regional and global public health and environmental burdens imposed by the emissions from these plants. Congress took a big step to control air pollution with the Clean Air Act of 1970, and it did major rewrites of the Act in 1977 and 1990. Even with all this legislation on the books, most fossil fuel-fired power plants produce as much pollution as they did prior to 1970. The average fossil fuel-fired generating unit in the United States came into operation in 1964—six years before the 1970 Act. Seventy-seven percent of the fossil fuel generating units in operation in the United States began operation before the 1970 Clean Air Act was implemented, and are thus not subject to the full force of its regulations.

At the very heart of the environmental problems posed by this industry are the antiquated and inefficient combustion technologies that are used. Nothing in the Clean Air Act, or in other energy related statues, tackles this inefficiency. The average plant uses technology devised in the 1950's or before, and has a combustion efficiency of 33%. Put another way, 67% of the energy available in the fuel is wasted. When you get so little energy out of the fuel, you have to burn a lot more fuel to produce a given quantity of electricity. The more fuel you burn, the more pollution you get. Increasing efficiency is the only way to reduce carbon dioxide emissions, and burning less fuel will result in smaller amounts of all pollutants.

Burning all this fuel may be good for the bottom line of the companies that produce the coal, oil, and natural gas, but it imposes great environmental and health consequences on the rest of us. Many of my colleagues came to the Senate after successful business careers. I imagine that most would agree with me that any other business that was this wasteful would not survive for long.

To produce the power that our economy needs, some level of emissions is inevitable. But this inefficiency, coupled with the free ride on emissions that the pre-1970 plants get, exacts an enormous environmental cost. Consider the following power plant facts:

Every year, fossil fuel-fired power plants in the United States produced a staggering 2 billion tons of carbon dioxide, the primary "greenhouse gas," the equivalent weight of 24,655 Washington Monuments.

Over 600 of these generating units produce over one million tons of carbon dioxide per year—two produce more than 9 million tons per year.

On average, coal plants emit over 2,100 pounds of carbon dioxide for every megawatt hour of electricity that is generated.

Coal-fired power plants emit at least 52 tons of mercury per year and are the leading source of mercury pollution in the United States.

Power plants emit particulate and urban ozone pollution that impair respiratory function in people with asthma, emphysema, and other respiratory ailments.

Power plant emissions result in acid deposition, which damages lakes, streams and rivers, and the plants and animals that depend on them for survival.

Technology exists that can raise power plant efficiencies to 35% to 50% above current levels. The question is how to get utilities to retire their inefficient processes and bring new, clean, and efficient ones on line. We can see a better future, but we don't have a clear path to get there.

Today, I am introducing the "Clean Power Plant and Modernization Act of 1998" to help us get to the other side. My goals with this legislation are to chart a sensible and balanced course for the future that: protects public health and the environment; protects consumers, workers, and the economy; and provides electrical power producers with a clear set of achievable performance expectations and financial incentives for installing new, clean, and efficient electrical power generating capacity that will meet our needs into the 21st Century.

This industry plays a central role in the U.S. economy and in our daily lives. We expect that electrical service will be reliable, predictable and affordable. We flip on the switch without giving a second thought that the light will go on. My bill will not change that.

Major changes cannot be made over night. We know about inertia From Sir Isaac Newton's First Law of Motion that "any object in a state of rest or uniform linear motion will remain in such a state unless acted upon by an external force." The inertia in the utility industry to continue business as usual is overwhelming. The old, inefficient, pollution-prone power plants will continue to operate in perpetuity because they are paid for, they burn the cheapest fuel, and they are subject to less stringent environmental requirements.

My bill provides an "external force" in the form of financial and regulatory incentives to prompt modernization that is beneficial for the environment and the economy. It provides industry decision-makers with a comprehensive and predictable set of requirements and incentives to guide their long-term business planning.

For investor-owned utilities, the bill provides accelerated depreciation tax incentives for plants that meet the efficiency goals. Under current tax law, new generating capacity is depreciated over a 20 year period. Under my bill, new capacity that meets a 45% efficiency level would be depreciated over a 15 year period, and new capacity that meets a 50% efficiency level would be depreciated over a 10 year period. Publicly owned utilities would be eligible for grants that have the equivalent monetary value of the depreciation benefit received by a similarly-situated investor-owned utility. This approach will spur innovation, and will reward utilities that aggressively move to increase their efficiency and reduce their emissions.

To pay for these incentives and to achieve this within the balanced budget constraints, my bill establishes a fee that would be levied on carbon dioxide emissions. The emission fees would also provide funds: for worker retraining for individuals adversely affected by reduced consumption of coal; community redevelopment funds; research and development for renewable technologies such as wind, solar, and biomass; development of a carbon sequestration strategy; and implementing carbon sequestration projects including soil restoration, tree planting, preservation of wetlands, and other ways of biologically sequestering carbon dioxide.

I want to work cooperatively with the power companies on this legislation, and I want to work with my colleagues from coal-producing states to minimize the impact of reduced coal consumption on mine workers and mining communities. I also want to work with my colleagues on the Committees that are taking up utility restructuring legislation to ensure that this industry, whether in its current form or in a restructured form, finally comes to terms with the environmental costs of its operations.

While the 105th Congress may not have much of an environmental record to brag about, pressure is mounting to dramatically reduce the environmental impact from fossil fuel fired power plants. The people of Vermont are willing, I look forward to working hard in the first session of the 106th Congress to enact this much needed and long-overdue piece of legislation.

Mr. President, I ask unanimous consent that the full text of the bill and the section-by-section overview be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2636

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Clean Power Plant and Modernization Act of 1998".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) the United States is relying increasingly on old, needlessly inefficient, and highly polluting powerplants to provide electricity;

(2) the pollution from those powerplants causes a wide range of health and environmental damage, including—

(A) fine particulate matter that is associated with the deaths of approximately 50,000 Americans annually;

(B) urban ozone, commonly known as "smog", that impairs normal respiratory functions and is of special concern to individuals afflicted with asthma, emphysema, and other respiratory ailments;

(C) rural ozone that obscures visibility and damages forests and wildlife;

(D) acid deposition that damages estuaries, lakes, rivers, and streams (and the plants and animals that depend on them for survival) and leaches heavy metals from the soil;

(E) mercury and heavy metal contamination that renders fish unsafe to eat, with especially serious consequences for pregnant women and their fetuses;

(F) eutrophication of estuaries, lakes, rivers, and streams; and

(G) global climate change that may fundamentally and irreversibly alter human, animal, and plant life;

(3) tax laws and environmental laws—

(A) provide a very strong incentive for electric utilities to keep old, dirty, and inefficient generating units in operation; and

(B) provide a strong disincentive to investing in new, clean, and efficient generating technologies;

(4) fossil fuel-fired power plants, consisting of plants fueled by coal, fuel oil, and natural gas, produce nearly two-thirds of the electricity generated in the United States;

(5) since, according to the Department of Energy, the average combustion heat rate efficiency of fossil fuel-fired power plants in the United States is 33 percent, 67 percent of the heat generated by burning the fuel is wasted;

(6) technology exists to increase the combustion heat rate efficiency of coal combustion from 35 percent to 50 percent above current levels, and technological advances are possible that would boost the net combustion heat rate efficiency even more;

(7) coal-fired power plants are the leading source of mercury emissions in the United States, releasing an estimated 52 tons of this potent neurotoxin each year;

(8) in 1996, fossil fuel-fired power plants in the United States produced over 2,000,000,000 tons of carbon dioxide, the primary greenhouse gas;

(9) on average—

(A) fossil fuel-fired power plants emit 1,999 pounds of carbon dioxide for every megawatt hour of electricity produced;

(B) coal-fired power plants emit 2,110 pounds of carbon dioxide for every megawatt hour of electricity produced; and

(C) coal-fired power plants emit 205 pounds of carbon dioxide for every million British thermal units of fuel consumed;

(10) the average fossil fuel-fired generating unit in the United States commenced operation in 1964, 6 years before the Clean Air Act (42 U.S.C. 7401 et seq.) was amended to establish requirements for stationary sources;

(11)(A) according to the Department of Energy, only 23 percent of the 1,000 largest emitting units are subject to stringent new source performance standards under section 111 of the Clean Air Act (42 U.S.C. 7411); and

(B) the remaining 77 percent, commonly referred to as "grandfathered" power plants, are subject to much less stringent requirements;

(12) on the basis of scientific and medical evidence, exposure to mercury and mercury compounds is of concern to human health and the environment;

(13) pregnant women and their developing fetuses, women of childbearing age, and children are most at risk for mercury-related health impacts such as neurotoxicity;

(14) although exposure to mercury and mercury compounds occurs most frequently through consumption of mercury-contaminated fish, such exposure can also occur through—

(A) ingestion of breast milk;

(B) ingestion of drinking water, and foods other than fish, that are contaminated with methyl mercury; and

(C) dermal uptake through contact with soil and water;

(15) the report entitled "Mercury Study Report to Congress" and submitted by the Environmental Protection Agency under section 112(n)(1)(B) of the Clean Air Act (42 U.S.C. 7412(n)(1)(B)), in conjunction with other scientific knowledge, supports a plausible link between mercury emissions from combustion of coal and other fossil fuels and mercury concentrations in air, soil, water, and sediments;

(16)(A) the Environmental Protection Agency report described in paragraph (15) supports a plausible link between mercury emissions from combustion of coal and other fossil fuels and methyl mercury concentrations in freshwater fish;

(B) in 1997, 39 States issued health advisories that warned the public about consuming mercury-tainted fish, as compared to 27 States that issued such advisories in 1993; and

(C) the number of mercury advisories nationwide increased from 899 in 1993 to 1,675 in 1996, an increase of 86 percent;

(17) pollution from powerplants can be reduced and possibly eliminated through adoption of modern technologies and practices, including—

(A) methods of combusting coal that are intrinsically more efficient and less polluting, such as pressurized fluidized bed combustion and an integrated gasification combined cycle system;

(B) methods of combusting cleaner fuels, such as gases from fossil and biological resources and combined cycle turbines;

(C) treating flue gases through application of pollution controls;

(D) methods of extracting energy from natural, renewable resources of energy, such as solar and wind sources;

(E) methods of producing electricity and thermal energy from fuels without conventional combustion, such as fuel cells; and

(F) methods of extracting and using heat that would otherwise be wasted, for the purpose of heating or cooling office buildings, providing steam to processing facilities, or otherwise increasing total efficiency; and

(18) adopting the technologies and practices described in paragraph (17) would increase competitiveness and productivity, secure employment, save lives, and preserve the future.

(b) PURPOSES.—The purposes of this Act are—

(1) to protect and preserve the environment while safeguarding health by ensuring that each fossil fuel-fired generating unit minimizes air pollution to levels that are technologically feasible through modernization and application of pollution controls;

(2) to greatly reduce the quantities of mercury, carbon dioxide, sulfur dioxide, and nitrogen oxides entering the environment from combustion of fossil fuels;

(3) to permanently reduce emissions of those pollutants by increasing the combustion heat rate efficiency of fossil fuel-fired generating units to levels achievable through use of commercially available combustion technology, installation of pollution controls, and expanded use of renewable energy sources such as biomass, geothermal, solar, and wind sources;

(4)(A) to create financial and regulatory incentives to retire thermally inefficient generating units and replace them with new units that employ high-thermal-efficiency combustion technology; and

(B) to increase use of renewable energy sources such as biomass, geothermal, solar, and wind sources;

(5) to establish the Clean Air Trust Fund for the purpose of encouraging and facilitating the modernization of fossil fuel-fired generating units in the United States;

(6) to eliminate the "grandfather" loophole in the Clean Air Act relating to sources in operation before the promulgation of standards under section 111 of that Act (42 U.S.C. 7411);

(7) to express the sense of Congress that permanent reductions in emissions of greenhouse gases that are accomplished through the retirement of old units and replacement by new units that meet the combustion heat rate efficiency and emission standards specified in this Act should be credited to the utility sector in any climate change implementation program;

(8) to promote permanent and safe disposal of mercury recovered through coal cleaning, flue gas control systems, and other methods of mercury pollution control;

(9) to increase public knowledge of the sources of mercury exposure and the threat to public health from mercury, particularly the threat to the health of pregnant women and their fetuses, women of childbearing age, and children;

(10) to decrease significantly the threat to human health and the environment posed by mercury;

(11) to promote energy efficiency in homes, including major appliances;

(12) to provide worker retraining for workers adversely affected by reduced consumption of coal; and

(13) to provide economic development incentives for communities adversely affected by reduced consumption of coal.

SEC. 3. DEFINITIONS.

In this Act:

(1) ADMINISTRATOR.—The term "Administrator" means the Administrator of the Environmental Protection Agency.

(2) GENERATING UNIT.—The term "generating unit" means an electric utility generating unit.

SEC. 4. COMBUSTION HEAT RATE EFFICIENCY STANDARDS FOR FOSSIL FUEL-FIRED GENERATING UNITS.

(a) STANDARDS.—

(1) IN GENERAL.—Not later than the day that is 10 years after the date of enactment of this Act, each fossil fuel-fired generating unit that commences operation on or before that day shall achieve and maintain, at all operating levels, a combustion heat rate efficiency of not less than 45 percent (based on the higher heating value of the fuel).

(2) FUTURE GENERATING UNITS.—Each fossil fuel-fired generating unit that commences operation more than 10 years after the date of enactment of this Act shall achieve and maintain, at all operating levels, a combustion heat rate efficiency of not less than 50 percent (based on the higher heating value of the fuel), unless granted a waiver under subsection (d).

(b) TEST METHODS.—Not later than 2 years after the date of enactment of this Act, the Administrator, in consultation with the Secretary of Energy, shall promulgate methods for determining initial and continuing compliance with this section.

(c) PERMIT REQUIREMENT.—Not later than 10 years after the date of enactment of this Act, each generating unit shall have a permit issued under title V of the Clean Air Act (42 U.S.C. 7661 et seq.) that requires compliance with this section.

(d) WAIVER OF COMBUSTION HEAT RATE EFFICIENCY STANDARD.—

(1) APPLICATION.—The owner or operator of a generating unit that commences operation more than 10 years after the date of enactment of this Act may apply to the Administrator for a waiver of the combustion heat rate efficiency standard specified in subsection (a)(2) that is applicable to that type of generating unit.

(2) ISSUANCE.—The Administrator may grant the waiver only if—

(A)(i) the owner or operator of the generating unit demonstrates that the technology to meet the combustion heat rate efficiency standard is not commercially available; or

(ii) the owner or operator of the generating unit demonstrates that, despite best technical efforts and willingness to make the necessary level of financial commitment, the combustion heat rate efficiency standard is not achievable at the generating unit; and

(B) the owner or operator of the generating unit enters into an agreement with the Administrator to offset by a factor of 1.5 to 1, using a method approved by the Administrator, the emission reductions that the generating unit does not achieve because of the failure to achieve the combustion heat rate efficiency standard specified in subsection (a)(2).

(3) EFFECT OF WAIVER.—If the Administrator grants a waiver under paragraph (1),

the generating unit shall be required to achieve and maintain, at all operating levels, the combustion heat rate efficiency standard specified in subsection (a)(1).

SEC. 5. AIR EMISSION STANDARDS FOR FOSSIL FUEL-FIRED GENERATING UNITS.

(a) ALL FOSSIL FUEL-FIRED GENERATING UNITS.—Not later than 10 years after the date of enactment of this Act, each fossil fuel-fired generating unit, regardless of its date of construction or commencement of operation, shall be subject to, and operating in physical and operational compliance with, the new source review requirements under section 111 of the Clean Air Act (42 U.S.C. 7411).

(b) EMISSION RATES FOR SOURCES REQUIRED TO MAINTAIN 45 PERCENT EFFICIENCY.—Not later than 10 years after the date of enactment of this Act, each fossil fuel-fired generating unit subject to section 4(a)(1) shall be in compliance with the following emission limitations:

(1) MERCURY.—Each coal-fired or fuel oil-fired generating unit shall be required to remove 95 percent of the mercury contained in the fuel, calculated in accordance with subsection (e).

(2) CARBON DIOXIDE.—

(A) NATURAL GAS-FIRED GENERATING UNITS.—Each natural gas-fired generating unit shall be required to achieve an emission rate of not more than 0.9 pounds of carbon dioxide per kilowatt hour of net electric power output.

(B) FUEL OIL-FIRED GENERATING UNITS.—Each fuel oil-fired generating unit shall be required to achieve an emission rate of not more than 1.3 pounds of carbon dioxide per kilowatt hour of net electric power output.

(C) COAL-FIRED GENERATING UNITS.—Each coal-fired generating unit shall be required to achieve an emission rate of not more than 1.55 pounds of carbon dioxide per kilowatt hour of net electric power output.

(3) SULFUR DIOXIDE.—Each fossil fuel-fired generating unit shall be required—

(A) to remove 95 percent of the sulfur dioxide that would otherwise be present in the flue gas; and

(B) to achieve an emission rate of not more than 0.3 pounds of sulfur dioxide per million British thermal units of fuel consumed.

(4) NITROGEN OXIDES.—Each fossil fuel-fired generating unit shall be required—

(A) to remove 90 percent of nitrogen oxides that would otherwise be present in the flue gas; and

(B) to achieve an emission rate of not more than 0.15 pounds of nitrogen oxides per million British thermal units of fuel consumed.

(c) EMISSION RATES FOR SOURCES REQUIRED TO MAINTAIN 50 PERCENT EFFICIENCY.—Each fossil fuel-fired generating unit subject to section 4(a)(2) shall be in compliance with the following emission limitations:

(1) MERCURY.—Each coal-fired or fuel oil-fired generating unit shall be required to remove 95 percent of the mercury contained in the fuel, calculated in accordance with subsection (e).

(2) CARBON DIOXIDE.—

(A) NATURAL GAS-FIRED GENERATING UNITS.—Each natural gas-fired generating unit shall be required to achieve an emission rate of not more than 0.8 pounds of carbon dioxide per kilowatt hour of net electric power output.

(B) FUEL OIL-FIRED GENERATING UNITS.—Each fuel oil-fired generating unit shall be required to achieve an emission rate of not more than 1.2 pounds of carbon dioxide per kilowatt hour of net electric power output.

(C) COAL-FIRED GENERATING UNITS.—Each coal-fired generating unit shall be required to achieve an emission rate of not more than 1.4 pounds of carbon dioxide per kilowatt hour of net electric power output.

(3) SULFUR DIOXIDE.—Each fossil fuel-fired generating unit shall be required—

(A) to remove 95 percent of the sulfur dioxide that would otherwise be present in the flue gas; and

(B) to achieve an emission rate of not more than 0.3 pounds of sulfur dioxide per million British thermal units of fuel consumed.

(4) NITROGEN OXIDES.—Each fossil fuel-fired generating unit shall be required—

(A) to remove 90 percent of nitrogen oxides that would otherwise be present in the flue gas; and

(B) to achieve an emission rate of not more than 0.15 pounds of nitrogen oxides per million British thermal units of fuel consumed.

(d) PERMIT REQUIREMENT.—Not later than 10 years after the date of enactment of this Act, each generating unit shall have a permit issued under title V of the Clean Air Act (42 U.S.C. 7661 et seq.) that requires compliance with this section.

(e) COMPLIANCE DETERMINATION AND MONITORING.—

(1) REGULATIONS.—Not later than 2 years after the date of enactment of this Act, the Administrator, in consultation with the Secretary of Energy, shall promulgate methods for determining initial and continuing compliance with this section.

(2) CALCULATION OF MERCURY EMISSION REDUCTIONS.—Not later than 2 years after the date of enactment of this Act, the Administrator shall promulgate fuel sampling techniques and emission monitoring techniques for use by generating units in calculating mercury emission reductions for the purposes of this section.

(3) REPORTING.—

(A) IN GENERAL.—Not less than often than quarterly, the owner or operator of a generating unit shall submit a pollutant-specific emission report for each pollutant covered by this section.

(B) SIGNATURE.—Each report required under subparagraph (A) shall be signed by a responsible official of the generating unit, who shall certify the accuracy of the report.

(C) PUBLIC REPORTING.—The Administrator shall annually make available to the public, through 1 or more published reports and 1 or more forms of electronic media, facility-specific emission data for each generating unit and pollutant covered by this section.

(f) DISPOSAL OF MERCURY CAPTURED OR RECOVERED THROUGH EMISSION CONTROLS.—

(1) CAPTURED OR RECOVERED MERCURY.—Not later than 2 years after the date of enactment of this Act, the Administrator shall promulgate regulations to ensure that mercury that is captured or recovered through the use of an emission control, coal cleaning, or another method is disposed of in a manner that ensures that—

(A) the hazards from mercury are not transferred from 1 environmental medium to another; and

(B) there is no release of mercury into the environment.

(2) MERCURY-CONTAINING SLUDGES AND WASTES.—The regulations promulgated by the Administrator under paragraph (1) shall ensure that mercury-containing sludges and wastes are handled and disposed of in accordance with all applicable Federal and State laws (including regulations).

(g) PUBLIC REPORTING OF FACILITY-SPECIFIC EMISSION DATA.—

(1) IN GENERAL.—The Administrator shall annually make available to the public, through 1 or more published reports and the Internet, facility-specific emission data for each generating unit and for each pollutant covered by this section.

(2) SOURCE OF DATA.—The emission data shall be taken from the emission reports submitted under subsection (e)(3).

SEC. 6. ACCELERATED DEPRECIATION FOR INVESTOR-OWNED GENERATING UNITS.

(a) IN GENERAL.—Section 168(e)(3) of the Internal Revenue Code of 1986 (relating to classification of certain property) is amended—

(1) in subparagraph (D) (relating to 10-year property), by striking "and" at the end of clause (i), by striking the period at the end of clause (ii) and inserting ", and", and by adding at the end the following:

"(iii) any 50-percent efficient fossil fuel-fired generating unit."; and

(2) in subparagraph (E) (relating to 15-year property), by striking "and" at the end of clause (ii), by striking the period at the end of clause (iii) and inserting ", and", and by adding at the end the following:

"(iv) any 45-percent efficient fossil fuel-fired generating unit.".

(b) DEFINITIONS.—Section 168(i) of the Internal Revenue Code of 1986 (relating to definitions and special rules) is amended by adding at the end the following:

"(15) FOSSIL FUEL-FIRED GENERATING UNITS.—

"(A) 50-PERCENT EFFICIENT FOSSIL FUEL-FIRED GENERATING UNIT.—The term '50-percent efficient fossil fuel-fired generating unit' means any property used in an investor-owned fossil fuel-fired generating unit pursuant to a plan approved by the Secretary, in consultation with the Administrator of the Environmental Protection Agency, to place into service such a unit that is in compliance with sections 4(a)(2) and 5(c) of the Clean Power Plant and Modernization Act of 1998, as in effect on the date of enactment of this paragraph.

"(B) 45-PERCENT EFFICIENT FOSSIL FUEL-FIRED GENERATING UNIT.—The term '45-percent efficient fossil fuel-fired generating unit' means any property used in an investor-owned fossil fuel-fired generating unit pursuant to a plan so approved to place into service such a unit that is in compliance with sections 4(a)(1) and 5(b) of such Act, as so in effect.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to property used after the date of enactment of this Act.

SEC. 7. GRANTS FOR PUBLICLY OWNED GENERATING UNITS.

Any capital expenditure made after the date of enactment of this Act to purchase, install, and bring into commercial operation any new publicly owned generating unit that—

(1) is in compliance with sections 4(a)(1) and 5(b) shall, for a 15-year period, be eligible for partial reimbursement through annual grants made by the Secretary of the Treasury, in consultation with the Administrator, in an amount equal to the monetary value of the depreciation deduction that would be realized by reason of section 168(c)(3)(E) of the Internal Revenue Code of 1986 by a similarly-situated investor-owned generating unit over that period; and

(2) is in compliance with sections 4(a)(2) and 5(c) shall, over a 10-year period, be eligible for partial reimbursement through annual grants made by the Secretary of the Treasury, in consultation with the Administrator, in an amount equal to the monetary value of the depreciation deduction that would be realized by reason of section

168(c)(3)(D) of such Code by a similarly-situated investor-owned generating unit over that period.

SEC. 8. CLEAN AIR TRUST FUND.

(a) IN GENERAL.—Subchapter A of chapter 98 of the Internal Revenue Code of 1986 (relating to trust fund code) is amended by adding at the end the following:

"SEC. 9511. CLEAN AIR TRUST FUND.

"(a) CREATION OF TRUST FUND.—There is established in the Treasury of the United States a trust fund to be known as the 'Clean Air Trust Fund' (hereafter referred to in this section as the 'Trust Fund'), consisting of such amounts as may be appropriated or credited to the Trust Fund as provided in this section or section 9602(b).

"(b) TRANSFERS TO TRUST FUND.—

"(1) IN GENERAL.—There are hereby appropriated to the Trust Fund amounts equivalent to the taxes received in the Treasury under section 4691.

"(2) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Trust Fund such additional sums as are necessary to carry out the activities described in subsection (c).

"(c) EXPENDITURES FROM TRUST FUND.—Amounts in the Trust Fund shall be available, as provided by appropriation Acts, upon request by the head of the appropriate Federal agency in such amounts as the agency head determines are necessary—

"(1) to offset reductions of revenues to the Treasury resulting from the amendments made by section 6 of the Clean Power Plant and Modernization Act of 1998;

"(2) to provide grants under section 7 of such Act, as in effect on the date of enactment of this section;

"(3) to provide assistance under section 14 of such Act, as so in effect;

"(4) to provide community economic development incentives under section 15, as so in effect; and

"(5) to provide funding under section 16 of such Act, as so in effect.".

(b) CONFORMING AMENDMENT.—The table of sections for such subchapter A is amended by adding at the end the following:

"Sec. 9511. Clean Air Trust Fund.".

SEC. 9. CARBON DIOXIDE EMISSION FEES.

(a) IN GENERAL.—Chapter 38 of subtitle D of the Internal Revenue Code of 1986 (relating to miscellaneous excise taxes) is amended by inserting after subchapter D the following:

"Subchapter E—Carbon Dioxide Emission Fees

"Sec. 4691. Imposition of fees.

"SEC. 4691. IMPOSITION OF FEES.

"(a) TAX IMPOSED.—There is hereby imposed on each fossil fuel-fired generating unit with a generating capacity of 5 or more megawatts a tax equal to $50 per ton of carbon dioxide emitted by such generating unit.

"(b) PHASED-IN RATE.—In the case of—

"(1) calendar years 2003 through 2006, subsection (a) shall be applied by substituting '$25' for '$50'; and

"(2) calendar years 2007 through 2009, subsection (a) shall be applied by substituting '$37.50' for '$50'.

"(c) ADJUSTMENT OF RATES.—Not less often than once every 2 years beginning after 2002, the Secretary, in consultation with the Administrator of the Environmental Protection Agency, shall evaluate the rate of the tax imposed by subsection (a) and increase the rate if necessary for the calendar year—

"(1) to ensure that emissions of carbon dioxide are reduced to levels that are adequate to protect sensitive populations, with an adequate margin of safety, against adverse health effects;

"(2) to ensure that emissions of carbon dioxide are reduced to levels (including, if necessary, a level of zero emissions) that preclude any reasonable possibility that the environment, including sensitive species or ecosystems, will be seriously or permanently altered on a global, continental, or subcontinental scale;

"(3) to provide adequate incentives for generating units to minimize emissions of carbon dioxide to levels that are technologically feasible, including a level of zero emissions; and

"(4) to eliminate any economic benefit that a generating unit may derive from the emission of carbon dioxide.

"(d) PAYMENT OF TAX.—The tax imposed by this section—

"(1) shall be paid quarterly by the owner or operator of each fossil fuel-fired generating unit; and

"(2) shall be based on the measured emissions of the generating unit.

"(e) FOSSIL FUEL-FIRED GENERATING UNIT.—The term 'fossil fuel-fired generating unit' means a generating unit (as defined in section 3(2) of the Clean Power Plant and Modernization Act of 1998) powered by fossil fuels.".

(b) CONFORMING AMENDMENT.—The table of subchapters for chapter 38 of such Code is amended by inserting after the item relating to subchapter D the following:

"SUBCHAPTER E. Carbon dioxide emission fees.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to emissions in calendar years beginning after December 31, 2002.

SEC. 10. EXTENSION OF RENEWABLE ENERGY PRODUCTION CREDIT.

Section 45(c) of the Internal Revenue Code of 1986 (relating to definitions) is amended—

(1) in paragraph (1)—

(A) in subparagraph (A), by striking "and";

(B) in subparagraph (B), by striking the period and inserting ", and"; and

(C) by adding at the end the following:

"(C) solar power.";

(2) in paragraph (3)—

(A) by inserting ", and December 31, 1998, in the case of a facility using solar power to produce electricity" after "electricity"; and

(B) by striking "1999" and inserting "2010"; and

(3) by adding at the end the following:

"(4) SOLAR POWER.—The term 'solar power' means solar power harnessed through—

"(A) photovoltaic systems,

"(B) solar boilers that provide process heat, and

"(C) any other means.".

SEC. 11. RECOGNITION OF PERMANENT EMISSION REDUCTIONS IN FUTURE CLIMATE CHANGE IMPLEMENTATION PROGRAMS.

It is the sense of Congress that permanent reductions in emissions of carbon dioxide and nitrogen oxides that are accomplished through the retirement of old generating units and replacement by new generating units that meet the combustion heat rate efficiency and emission standards specified in this Act, or through replacement of old generating units with nonpolluting renewable power generation technologies, should be credited to the utility sector, and to the owner or operator that retires or replaces the old generating unit, in any climate change implementation program enacted by Congress.

SEC. 12. RENEWABLE POWER GENERATION TECHNOLOGIES.

(a) IN GENERAL.—Under the Renewable Energy and Energy Efficiency Technology Act of 1989 (42 U.S.C. 12001 et seq.), the Secretary of Energy shall fund research and development programs and commercial demonstration projects and partnerships to demonstrate the commercial viability and environmental benefits of electric power generation from biomass, geothermal, solar, and wind technologies.

(b) TYPES OF PROJECTS.—Demonstration projects may include solar power tower plants, solar dishes and engines, co-firing of biomass with coal, biomass modular systems, next-generation wind turbines and wind turbine verification projects, and geothermal energy conversion.

(c) AUTHORIZATION OF APPROPRIATIONS.—In addition to amounts made available under any other law, there is authorized to be appropriated to carry out this section $75,000,000 for each of fiscal years 2003 through 2015.

SEC. 13. EVALUATION OF IMPLEMENTATION OF THIS ACT AND OTHER STATUTES.

(a) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Secretary of Energy, in consultation with the Chairman of the Federal Energy Regulatory Commission and the Administrator, shall submit to Congress a report on the implementation of this Act.

(b) IDENTIFICATION OF CONFLICTING LAW.—The report shall identify any provision of the Energy Policy Act of 1992 (Public Law 102–486), the Energy Supply and Environmental Coordination Act of 1974 (15 U.S.C. 791 et seq.), the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2601 et seq.), or the Powerplant and Industrial Fuel Use Act of 1978 (42 U.S.C. 8301 et seq.), or the amendments made by those Acts, that conflicts with the intent or efficient implementation of this Act.

(c) RECOMMENDATIONS.—The report shall include recommendations from the Secretary of Energy, the Chairman of the Federal Energy Regulatory Commission, and the Administrator for legislative or administrative measures to harmonize and streamline the statutes specified in subsection (b) and the regulations implementing those statutes.

SEC. 14. ASSISTANCE FOR WORKERS ADVERSELY AFFECTED BY REDUCED CONSUMPTION OF COAL.

In addition to amounts made available under any other law, there is authorized to be appropriated $75,000,000 for each of fiscal years 2003 through 2010, and $50,000,000 for each of fiscal years 2011 through 2015, to provide assistance, under the economic dislocation and worker adjustment assistance program of the Department of Labor authorized by title III of the Job Training Partnership Act (29 U.S.C. 1651 et seq.), to coal industry workers who are terminated from employment as a result of reduced consumption of coal by the electric power generation industry.

SEC. 15. COMMUNITY ECONOMIC DEVELOPMENT INCENTIVES FOR COMMUNITIES ADVERSELY AFFECTED BY REDUCED CONSUMPTION OF COAL.

In addition to amounts made available under any other law, there is authorized to be appropriated $75,000,000 for each of fiscal years 2003 through 2010, and $50,000,000 for each of fiscal years 2011 through 2015, to provide assistance, under the economic adjustment program of the Department of Commerce authorized by the Public Works and Economic Development Act of 1965 (42 U.S.C. 3121 et seq.), to assist communities adversely

affected by reduced consumption of coal by the electric power generation industry.

SEC. 16. CARBON SEQUESTRATION.

(a) CARBON SEQUESTRATION STRATEGY.—In addition to amounts made available under any other law, there is authorized to be appropriated to the Environmental Protection Agency and the Department of Energy for each of fiscal years 2003 through 2005 a total of $15,000,000 to conduct research and development activities in basic and applied science in support of development by January 1, 2005, of a carbon sequestration strategy that is designed to offset all growth in carbon dioxide emissions in the United States after 2010.

(b) METHODS FOR BIOLOGICALLY SEQUESTERING CARBON DIOXIDE.—In addition to amounts made available under any other law, there is authorized to be appropriated to the Environmental Protection Agency and the Department of Agriculture for each of fiscal years 2003 through 2015 a total of $15,000,000 to carry out soil restoration, tree planting, wetland protection, and other methods of biologically sequestering carbon dioxide.

SECTION-BY-SECTION OVERVIEW OF THE "CLEAN POWER PLANT AND MODERNIZATION ACT OF 1998"

What will the "Clean Power Plant and Modernization Act of 1998" do?

The "Clean Power Plant and Modernization Act of 1998" lays out an ambitious, achievable, and balanced set of financial incentives and regulatory requirements designed to increase power plant efficiency, reduce emissions, and encourage use of renewable power generation methods. The bill encourages innovation, entrepreneurship, and risk-taking.

The bill encourages "retirement and replacement" of old, dirty, inefficient generating capacity. It does not utilize a "cap and trade" approach. Many believe that the "retirement and replacement" approach does a superior job at the local and regional levels of protecting public health and the environment from mercury pollution, ozone pollution, and acid deposition. On a global level, the "retirement and replacement" also does a much superior job of permanently reducing the volume of carbon dioxide emitted.

Section 4. Combustion Heat Rate Efficiency Standards for Fossil Fuel-Fired Generating Units.

Fossil fuel-fired power plants in the United States operate at an average combustion efficiency of 33%. Put another way, on average, 67% of the heat generated by burning the fuel is wasted. Increasing combustion efficiency is really the only way to reduce carbon dioxide emissions. Section 4 lays out a phased two-stage process for increasing efficiency. In the first stage, by 10 years after enactment, all units in operation must achieve a combustion heat rate efficiency of not less than 45%. In the second stage, with expected advances in combustion technology, units commencing operation more than 10 years after enactment must achieve a combustion heat rate efficiency of not less than 50%. Carbon dioxide emission reductions of at least 650 million tons per year are expected, and the potential exists for even larger reductions.

If, for some unforeseen reason, technological advances do not achieve the 50% efficiency level, Section 4 contains a waiver provision that allows owners of new units to offset any shortfall in carbon dioxide emissions through implementation of carbon sequestration projects.

Section 5. Air Emission Standards for Fossil Fuel-Fired Generating Units.

Subsection (a) eliminates the "grand father" loophole in the Clean Air Act and requires all units, regardless of when they were constructed or began operation, to comply with existing new source review requirements under Section 111 of the Clean Air Act.

Subsection (b) sets mercury, carbon dioxide, sulfur dioxide, and nitrogen oxide emission standards for units that are subject to the 45% thermal efficiency standards set forth in Section 4. For mercury, 95% removal of mercury contained in the fuel is required. For carbon dioxide, the emission limits are set by fuel type (i.e., natural gas = 0.9 pounds per kilowatt hour of output; fuel oil = 1.3 pounds per kilowatt hour of output; coal = 1.55 pounds per kilowatt hour of output). Ninety-five percent of sulfur dioxide emissions (and not more than 0.3 pounds per million Btu's of fuel consumed), and 90 percent of nitrogen oxides (and not more than 0.15 pounds per million Btu's of fuel consumed) are to be removed.

Subsection (c) contains the same emission standards for mercury, sulfur dioxide, and nitrogen oxides as those in Subsection (b). Greater combustion efficiency results in lower emissions of carbon dioxide, and the fuel specific emission limits at the 50% efficiency level are lowered accordingly (i.e., natural gas = 0.8 pounds per kilowatt hour of output; fuel oil = 1.2 pounds per kilowatt hour of output; coal = 1.4 pounds per kilowatt hour of output). Section 6. Accelerated Depreciation for Investor-Owned Generating Units.

Under the Internal Revenue Code of 1986, utilities can depreciate their generating equipment over a 20 year period. Section 6 amends Section 168 of the Internal Revenue Code of 1986 to allow for depreciation over a 15 year period for units meeting the 45% efficiency level and the emission standards in Section 5(b). Section 168 is further amended to allow for deprecation over a 10 year period for units meeting the 50% efficiency level and the emission standards in Section 5(c).

Section 7. Grants for Publicly-Owned Generating Units. No federal taxes are paid on publicly-owned generating units. To provide publicly-owned utilities with comparable incentives to modernize, Section 7 provides for annual grants in an amount equal to the monetary value of the depreciation deduction that would be realized by a similarly-situated investor owned generating unit under Section 6. Units meeting the 45% efficiency level and the emission standards in Section 5(b) would receive annual grants over a 15 year period, and units meeting the 50% efficiency level and the emission standards in Section 5(c) would receive annual grants over 10 year period.

Section 8. Clean Air Trust Fund, and Section 9. Carbon Dioxide Emission Fees.

To offset the impact to the Treasury of the incentives in Sections 6 and 7, the bill establishes the Clean Air Trust Fund. The Trust Fund is similar to the Highway Trust Fund or the Superfund. The revenue for the trust fund will be provided through phased implementation of a "per ton fee" on emissions of carbon dioxide. Implementation of the fee would begin 3 years after enactment at the rate of $25.00 per ton. The rate would increase to $37.50 per ton seven years after enactment, and would be fully implemented 10 years after enactment at a rate of $50.00 per ton.

The Trust Fund will also be used to pay for assistance to workers and communities adversely affected by reduced consumption of coal, research and development for renewable power generation technologies (e.g., wind, solar, and biomass), and carbon sequestration projects.

Section 10. Extension of Renewable Energy Production Credit.

Section 45(c) of the Internal Revenue Code of 1986 is amended to include solar power, and to extend renewable energy production credit to 2010 (it is currently set to expire in 1999). This section expands on S. 1459 (Senator LEAHY is a co-sponsor) which would extend the credit to 2004. S. 1459 has been referred to the Finance Committee.

Section 11. Recognition of Permanent Emission Reductions in Future Climate Change Implementation Programs.

This section expresses the sense of Congress that permanent reductions in emissions of carbon dioxide and nitrogen oxides that are accomplished through the retirement of old generating units and replacement by new generating units that meet the efficiency and emissions standards in the bill, or through replacement with non-polluting renewable power generation technologies, should be credited to the utility sector and to the owner/operator in any climate change implementation program enacted by Congress.

Section 12. Renewable Power Generation Technologies.

Beginning 3 years after enactment, this section provides $75 million per year (for a total of $975 million over 13 years) to fund research and development programs and commercial demonstration projects and partnerships to demonstrate the commercial viability and environmental benefits of electric power generation from biomass, geothermal, solar, and wind technologies. Types of projects may include solar power tower plants, solar dishes and engines, co-firing biomass with coal, biomass modular systems, next-generation wind turbines and wind verification projects, and geothermal energy conversion.

Section 13. Evaluation of Implementation of this Act and other Statutes.

Not later than 2 years after enactment, DOE, in consultation with EPA and FERC, shall report to Congress on the implementation of the Clean Power Plant and Modernization Act of 1998. The report shall identify any provision of the Energy Policy Act of 1992, the Energy Supply and Environmental Coordination Act of 1974, the Public Utilities Regulatory Policies Act of 1978, or the Powerplant and Industrial Fuel Use Act of 1978 that conflicts with the efficient implementation of the Clean Power Plant and Modernization Act of 1998. The report shall include recommendations for legislative or administrative measures to harmonize and streamline these other statutes.

Section 14. Assistance for Workers Adversely Affected by Reduced Consumption of Coal.

Beginning 3 years after enactment, this section provides a total of $850 million over 13 years ($75 million per year for the first 8 years and $50 million per year for the following 5 years) to provide assistance to coal industry workers who are adversely affected as a result of reduced consumption of coal by the electric power generation industry. The funds will be administered under the economic dislocation and worker adjustment assistance program of the Department of Labor authorized by Title III of the Job Training Partnership Act.

Section 15. Community Economic Development Incentives for Communities Adversely Affected by Reduced Consumption of Coal.

Beginning 3 years after enactment, this section provides a total of $850 million over 13 years ($75 million per year for the first 8 years and $50 million per year for the following 5 years) to provide assistance to communities adversely affected as a result of reduced consumption of coal by the electric power generation industry. The funds will be administered under the economic adjustment program of the Department of Commerce authorized by the Public Works and Economic Development Act of 1965.

Section 16. Carbon Sequestration.

This section authorizes expenditure of $45 million over 3 years for development of a long-term carbon sequestration strategy for the United States. This section also authorizes EPA and USDA to fund up to $195 million over 13 years ($15 million per year) for carbon sequestration projects including soil restoration, tree planting, wetlands protection, and other ways of biologically sequestering carbon dioxide.

By Mr. MURKOWSKI:

S. 2639. A bill to require the Secretary of the Interior to submit a report on the feasibility and desirability of recovering the costs of high altitude lifesaving missions on Mount McKinley in Denali National Park and Preserve, Alaska; to the Committee on Energy and Natural Resources.

MOUNT MCKINLEY IN DENALI NATIONAL PARK AND PRESERVE LEGISLATION

• Mr. MURKOSWKI. Mr. President, today I am introducing legislation that would require the Secretary of the Interior to report to Congress on the feasibility and desirability of recovering the cost to taxpayers of rescuing high altitude climbers on Mt. McKinley in Denali National Park and Preserve in the State of Alaska.

Mr. President, Denali National Park and Preserve attracts approximately 355,000 visitors per year who come to see the wildlife, the grandeur of our State, and to gaze at America's highest peak. Most are unaware that while they are taking in the breathtaking vista that is Mt. McKinley, there are approximately another 1,100 persons per year that are attempting to attain the 20,320 submit.

Climbing Mt. McKinley is certainly no easy walk in the Park. A typical year sees a dozen major rescue incidents and one or two fatal accidents. Extreme and unpredictable weather on Mt. McKinley make high altitude rescues very dangerous and very expensive.

Over the last few years the National Park Service has actively and successfully worked to reduce the loss of life and injury to climbers who have made attempts to climb this mountain. The NPS spends more than $750,000 per year for education; pre-positioning supplies and materials at various altitudes on the mountain; the positioning of a special high altitude helicopter in the Park; and actual rescue attempts.

Just last summer the military and the Park Service spent four days and $221,818 rescuing 6 sick and injured British climbers who disregarded warnings and advice from park ranger stationed on the mountain. This rescue included what is probably the world's highest short haul helicopter rescue at 19,000 feet and entailed a very high level of risk for the rescue team. This is just one example of many rescues the Park Service conducts each year on Mt. McKinley.

Mr. President, I personally do not feel that the American taxpayer should be left with the bill for rescues on this mountain. The Federal Government does not force these climbers to climb; they engage in this activity voluntarily and with full knowledge of the risks. While I admire the courage and tenacity of mountain climbers, I do not think it is fair to divert scarce park funds from services that benefit the majority of park visitors for the purpose of providing extraordinarily expensive services to a small number of users who put themselves in harm's way with their eyes wide open. Mountain climbers are a special breed who are proud of their self-sufficiency and independence—and rightly so. For that reason I think they should recognize the simple equity of paying their fair share of the public costs of their sport.

As a result of a recent field hearing on this issue, I found that while I have received many letters of support, there are a few stalwart individuals who do not agree with my point of view and have raised some legitimate questions. That is why I want the Secretary of the Interior to look at the feasibility and desirability of some sort of a cost recovery system that puts a minimal burden on climbers, whether it be an insurance requirement or any other scheme. The pros and cons of these cost recovery mechanisms need to be carefully explored before we act.

Last but not least, Mr. President, I want the Secretary to evaluate requiring climbers to show proof of medical insurance so that hospitals in Alaska and elsewhere are not left holding the bag as they sometimes are under present circumstances. It is a good neighbor policy that should be put into effect at the earliest opportunity.•

ADDITIONAL COSPONSORS

S. 261

At the request of Mr. DOMENICI, the name of the Senator from Utah (Mr. BENNETT) was added as a cosponsor of S. 261, a bill to provide for a biennial budget process and a biennial appropriations process and to enhance oversight and the performance of the Federal Government.

S. 1089

At the request of Mr. SPECTER, the name of the Senator from New York (Mr. D'AMATO) was added as a cosponsor of S. 1089, a bill to terminate the effectiveness of certain amendments to the foreign repair station rules of the Federal Aviation Administration, and for other purposes.

S. 1529

At the request of Mr. KENNEDY, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 1529, a bill to enhance Federal enforcement of hate crimes, and for other purposes.

S. 2418

At the request of Mr. CHAFEE, his name was added as a cosponsor of S. 2418, a bill to establish rural opportunity communities, and for other purposes.

SENATE JOINT RESOLUTION 55

At the request of Mr. ROTH, the name of the Senator from Idaho (Mr. CRAIG) was added as a cosponsor of Senate Joint Resolution 55, a joint resolution requesting the President to advance the late Rear Admiral Husband E. Kimmel on the retired list of the Navy to the highest grade held as Commander in Chief, United States Fleet, during World War II, and to advance the late Major General Walter C. Short on the retired list of the Army to the highest grade held as Commanding General, Hawaiian Department, during World War II, as was done under the Officer Personnel Act of 1947 for all other senior officers who served in positions of command during World War II, and for other purposes.

SENATE CONCURRENT RESOLUTION 94

At the request of Mr. ABRAHAM, the name of the Senator from Virginia (Mr. ROBB) was added as a cosponsor of Senate Concurrent Resolution 94, a concurrent resolution supporting the religious tolerance toward Muslims.

SENATE RESOLUTION 298

At the request of Mr. ABRAHAM, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of Senate Resolution 298, a resolution condemning the terror, vengeance, and human rights abuses against the civilian population of Sierra Leone.

SENATE RESOLUTION 300—ELECTING JAMES W. ZIGLAR, OF MISSISSIPPI, AS THE SERGEANT AT ARMS AND DOORKEEPER OF THE SENATE

Mr. LOTT submitted the following resolution; which was considered and agreed to:

S. RES. 300

Resolved, That James W. Ziglar, of Mississippi, be, and he is hereby, elected Sergeant at Arms and Doorkeeper of the Senate effective November 9, 1998.

SENATE RESOLUTION 301—RELATIVE TO RULE XXXIX

Mr. LOTT submitted the following resolution; which was considered and agreed to:

S. RES. 301

Resolved, That if a Member who is precluded from foreign travel by the provisions of Rule 39 is appointed as a delegate to an official conference to be attended by Members

of the Senate, then the appointment of that individual shall constitute an authorization by the Senate and the individual will not be deemed in violation of Rule 39.

SEC. 2. This resolution shall be applicable only until November 21, 1998.

SENATE RESOLUTION 302—RELATIVE TO RULE XXXIII

Mr. LOTT submitted the following resolution; which was considered and agreed to:

S. RES. 302

Resolved, That, notwithstanding the provisions of Rule XXXIII, the Senate authorize the videotaping of the address by the Senator from West Virginia (Mr. Byrd) to the incoming Senators scheduled to be given in the Senate Chamber in December 1998.

SENATE RESOLUTION 303—AUTHORIZING CERTAIN APPOINTMENTS DURING THE RECESS OR ADJOURNMENT OF THE PRESENT SESSION

Mr. LOTT submitted the following resolution; which was considered and agreed to:

S. RES. 303

Resolved, That during the recess or adjournment of the present session of the Senate, the President of the Senate, the President of the Senate pro tempore, the Majority Leader of the Senate, and the Minority Leader of the Senate be, and they are hereby, authorized to make appointments to commissions, committees, boards, conferences, or interparliamentary conferences authorized by law, by concurrent action of the two Houses, or by order of the Senate.

SENATE RESOLUTION 304—TENDERING THE THANKS OF THE SENATE TO THE VICE PRESIDENT

Mr. LOTT submitted the following resolution; which was considered and agreed to:

S. RES. 304

Resolved, That the thanks of the Senate are hereby tendered to the Honorable Al Gore, Vice President of the United States and President of the Senate, for the courteous, dignified, and impartial manner in which he has presided over its deliberations during the second session of the One Hundred Fifth Congress.

SENATE RESOLUTION 305—TENDERING THE THANKS OF THE SENATE TO THE PRESIDENT PRO TEMPORE

Mr. LOTT submitted the following resolution; which was considered and agreed to:

S. RES. 305

Resolved, That the thanks of the Senate are hereby tendered to the Honorable Strom Thurmond, President pro tempore of the Senate, for the courteous, dignified, and impartial manner in which he has presided over its deliberations during the second session of the One Hundred Fifth Congress.

SENATE RESOLUTION 306—TO COMMEND THE EXEMPLARY LEADERSHIP OF THE DEMOCRATIC LEADER

Mr. LOTT submitted the following resolution:

S. RES. 306

Resolved, That the thanks of the Senate are hereby tendered to the distinguished Democratic Leader, the Senator from South Dakota, the Honorable Thomas A. Daschle, for his exemplary leadership and the cooperative and dedicated manner in which he has performed his leadership responsibilities in the conduct of Senate business during the second session of the 105th Congress.

SENATE RESOLUTION 307—TO COMMEND THE EXEMPLARY LEADERSHIP OF THE MAJORITY LEADER

Mr. DASCHLE submitted the following resolution:

S. RES. 307

Resolved, That the thanks of the Senate are hereby tendered to the distinguished Majority Leader, the Senator from Mississippi, the Honorable Trent Lott, for his exemplary leadership and the cooperative and dedicated manner in which he has performed his leadership responsibilities in the conduct of Senate business during the second session of the 105th Congress.

SENATE RESOLUTION 308—COMMENDING THE CREW MEMBERS OF THE UNITED STATES NAVY DESTROYERS OF DESRON 61 FOR THEIR HEROISM DURING WORLD WAR II

Mr. DODD (for himself, Mr. INOUYE, and Mr. LEVIN) submitted the following resolution; which was considered and agreed to:

S. RES. 308

Whereas, DesRon 61, a group of nine United States destroyers composed of the U.S.S. DeHaven (DD 727), U.S.S. Mansfield (DD 728), U.S.S. Swenson (DD 729), U.S.S. Collett (DD 730), U.S.S. Maddox (DD 731), U.S.S. Blue (DD 744), U.S.S. Brush (DD 745), U.S.S. Taussig (DD 746), and U.S.S. Moore (DD 747), and commanded by Captain T.H. Hederman, penetrated Tokyo Bay, Japan, on rough seas and at night;

Whereas, although surrounded in darkness, the vigilant and intrepid members of the crews of the United States destroyers were able to detect a Japanese convoy attempting to sneak out of Tokyo Bay along the coastline, engage and defeat the heavily-armed warships of the Imperial Japanese Navy escorting the convoy, and subdue the convoy; and

Whereas the victory was gained without the loss of a single sailor or ship: Now, therefore, be it

Resolved, That the Senate, on behalf of the people of the United States commends the members of the crews of the United States Navy destroyers of DesRon 61 who participated in the July 22, 1945, surface naval engagement in Tokyo Bay for their heroism, intrepidity, and skill in battle that contributed to the defeat of Japanese forces in World War II.

SENATE RESOLUTION 309—EXPRESSING THE SENSE OF THE SENATE REGARDING THE CULPABILITY OF HUN SEN FOR VIOLATIONS OF INTERNATIONAL LAW IN CAMBODIA

Mr. HELMS (for himself and Mr. MCCONNELL) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 309

Whereas under the Vietnamese communist occupation of Cambodia (the former People's Republic of Kampuchea and the State of Cambodia) between 1979 and 1989, Hun Sen was among a large number of former Khmer Rouge members who were designated by the Vietnamese communists as surrogate leaders of the People's Republic of Kampuchea, where international human rights organizations documented widespread human rights violations;

Whereas during the period leading to internationally supervised elections in 1993, as Prime Minister of the State of Cambodia and a Politburo member of the communist Cambodian People's Party (CPP), Hun Sen was responsible for the disappearances, murder, and assassination attempts against democratic opponents of the Cambodian People's Party;

Whereas after the Cambodian People's Party lost the 1993 national election, Hun Sen organized a military force that threatened a military coup, resulting in his being given a share of the Prime Minister position with Prince Norodom Ranariddh, the election winner, and his Cambodian People's Party maintaining control of the military, the internal security forces, and provincial government administration;

Whereas in July 1997, Hun Sen ordered a coup d'etat against First Prime Minister Prince Ranariddh which resulted in the deaths of a large number of civilians caught in the crossfire and the torture and summary execution of at least 100 government officials and the forced displacement of at least 50,000 people as assaults continued on people or communities loyal to Prince Ranariddh;

Whereas during the period leading to the July 1998 national election there were widespread threats, assaults, and the suspected assassination of scores of members of parties opposed to Hun Sen;

Whereas in September 1998, Hun Sen ordered a violent crackdown on thousands of unarmed demonstrators, including Buddhist monks, who supported credible investigations of irregularities in the electoral process and the change in the format for allocating seats in the National Assembly which permitted Hun Sen to maintain a small edge over Prince Ranariddh's FUNCINPEC Party and entitled Hun Sen to maintain the post of Prime Minister, which resulted in the brutality toward tens of thousands of pro-democracy advocates and the deaths and disappearances of an unknown number of people, and led to widespread civil unrest which threatens to further destroy Cambodian society; and

Whereas Hun Sen has held, and continues to hold, high government office in a repressive and violent regime, and has the power to decide for peace and democracy and has instead decided for killing and repression, who has the power to minimize illegal actions by subordinates and allies and hold responsible those who committed such actions, but did

not, and who once again is directing a campaign of murder and repression against unarmed civilians, while treating with contempt international efforts to achieve a genuinely democratic government in Cambodia: Now, therefore, be it

Resolved, That it is a sense of the Senate that—

(1) the United States should establish a collection of information that can be supplied to an appropriate international judicial tribunal for use as evidence to support a possible indictment and trial of Hun Sen for violations of international humanitarian law after 1978;

(2) any such information concerning Hun Sen and individuals under his authority already collected by the United States, including information regarding the March 1997 grenade attack against Sam Rainsy, should be provided to the tribunal at the earliest possible time;

(3) the United States should work with members of interested countries and nongovernmental organizations relating to information any country or organization may hold concerning allegations of violations of international humanitarian law after 1978 posed against Hun Sen and any individual under his authority in Cambodia and give all such information to the tribunal;

(4) the United States should work with other interested countries relating to measures to be taken to bring to justice Hun Sen and individuals under Hun Sen's authority indicted for such violations of international humanitarian law after 1978; and

(5) the United States should support such a tribunal for the purpose of investigating Hun Sen's possible criminal culpability for conceiving, directing, and sustaining a variety of actions in violation of international humanitarian law after 1978 in any judicial proceeding that may result.

AMENDMENTS SUBMITTED

MONEY LAUNDERING AND FINANCIAL CRIMES STRATEGY ACT OF 1998

GRASSLEY (AND D'AMATO) AMENDMENT NO. 3828

Mr. CRAIG (for Mr. GRASSLEY for himself and Mr. D'AMATO) proposed an amendment to the bill (H.R. 1756) to amend chapter 53 of title 31, United States Code, to require the development and implementation by the Secretary of the Treasury of a national money laundering and related financial crimes strategy to combat money laundering and related financial crimes, and for other purposes; as follows:

On page 2, strike line 21, and all that follows through page 3, line 3 and insert the following:

"(2) MONEY LAUNDERING AND RELATED FINANCIAL CRIME.—The term 'money laundering and related financial crime'—

"(A) means the movement of illicit cash or cash equivalent proceeds into, out of, or through the United States, or into, out of, or through United States financial institutions, as defined in section 5312 of title 31, United States Code; or

"(B) has the meaning given that term (or the term used for an equivalent offense) under State and local criminal statutes pertaining to the movement of illicit cash or cash equivalent proceeds.".

GOVERNMENT PAPERWORK ELIMINATION ACT

ABRAHAM AMENDMENT NO. 3829

Mr. GRAIG (for Mr. ABRAHAM) proposed an amendment to the bill (S. 2107) to enhance electronic commerce by promoting the reliability and integrity of commercial transactions through establishing authentication standards for electronic communications, and for other purposes; as follows:

On page 10, strike out line 7 and all that follows through page 18, line 10, and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Government Paperwork Elimination Act".

SEC. 2. AUTHORITY OF OMB TO PROVIDE FOR ACQUISITION AND USE OF ALTERNATIVE INFORMATION TECHNOLOGIES BY EXECUTIVE AGENCIES.

Section 3504(a)(1)(B)(vi) of title 44, United States Code, is amended to read as follows:

"(vi) the acquisition and use of information technology, including alternative information technologies that provide for electronic submission, maintenance, or disclosure of information as a substitute for paper and for the use and acceptance of electronic signatures.".

SEC. 3. PROCEDURES FOR USE AND ACCEPTANCE OF ELECTRONIC SIGNATURES BY EXECUTIVE AGENCIES.

(a) IN GENERAL.—In order to fulfill the responsibility to administer the functions assigned under chapter 35 of title 44, United States Code, the provisions of the Clinger-Cohen Act of 1996 (divisions D and E of Public Law 104–106) and the amendments made by that Act, and the provisions of this Act, the Director of the Office of Management and Budget shall, in consultation with the National Telecommunications and Information Administration and not later than 18 months after the date of enactment of this Act, develop procedures for the use and acceptance of electronic signatures by Executive agencies.

(b) REQUIREMENTS FOR PROCEDURES.—(1) The procedures developed under subsection (a)—

(A) shall be compatible with standards and technology for electronic signatures that are generally used in commerce and industry and by State governments;

(B) may not inappropriately favor one industry or technology;

(C) shall ensure that electronic signatures are as reliable as is appropriate for the purpose in question and keep intact the information submitted;

(D) shall provide for the electronic acknowledgment of electronic forms that are successfully submitted; and

(E) shall, to the extent feasible and appropriate, require an Executive agency that anticipates receipt by electronic means of 50,000 or more submittals of a particular form to take all steps necessary to ensure that multiple methods of electronic signatures are available for the submittal of such form.

(2) The Director shall ensure the compatibility of the procedures under paragraph (1)(A) in consultation with appropriate private bodies and State government entities that set standards for the use and acceptance of electronic signatures.

SEC. 4. DEADLINE FOR IMPLEMENTATION BY EXECUTIVE AGENCIES OF PROCEDURES FOR USE AND ACCEPTANCE OF ELECTRONIC SIGNATURES.

In order to fulfill the responsibility to administer the functions assigned under chapter 35 of title 44, United States Code, the provisions of the Clinger-Cohen Act of 1996 (divisions D and E of Public Law 104–106) and the amendments made by that Act, and the provisions of this Act, the Director of the Office of Management and Budget shall ensure that, commencing not later than five years after the date of enactment of this Act, Executive agencies provide—

(1) for the option of the electronic maintenance, submission, or disclosure of information, when practicable as a substitute for paper; and

(2) for the use and acceptance of electronic signatures, when practicable.

SEC. 5. ELECTRONIC STORAGE AND FILING OF EMPLOYMENT FORMS.

In order to fulfill the responsibility to administer the functions assigned under chapter 35 of title 44, United States Code, the provisions of the Clinger-Cohen Act of 1996 (divisions D and E of Public Law 104–106) and the amendments made by that Act, and the provisions of this Act, the Director of the Office of Management and Budget shall, not later than 18 months after the date of enactment of this Act, develop procedures to permit private employers to store and file electronically with Executive agencies forms containing information pertaining to the employees of such employers.

SEC. 6. STUDY ON USE OF ELECTRONIC SIGNATURES.

(a) ONGOING STUDY REQUIRED.—In order to fulfill the responsibility to administer the functions assigned under chapter 35 of title 44, United States Code, the provisions of the Clinger-Cohen Act of 1996 (divisions D and E of Public Law 104–106) and the amendments made by that Act, and the provisions of this Act, the Director of the Office of Management and Budget shall, in cooperation with the National Telecommunications and Information Administration, conduct an ongoing study of the use of electronic signatures under this title on—

(1) paperwork reduction and electronic commerce;

(2) individual privacy; and

(3) the security and authenticity of transactions.

(b) REPORTS.—The Director shall submit to Congress on a periodic basis a report describing the results of the study carried out under subsection (a).

SEC. 7. ENFORCEABILITY AND LEGAL EFFECT OF ELECTRONIC RECORDS.

Electronic records submitted or maintained in accordance with procedures developed under this Act, or electronic signatures or other forms of electronic authentication used in accordance with such procedures, shall not be denied legal effect, validity, or enforceability because such records are in electronic form.

SEC. 8. DISCLOSURE OF INFORMATION.

Except as provided by law, information collected in the provision of electronic signature services for communications with an executive agency, as provided by this Act, shall only be used or disclosed by persons who obtain, collect, or maintain such information as a business or government practice, for the purpose of facilitating such communications,

or with the prior affirmative consent of the person about whom the information pertains.

SEC. 9. APPLICATION WITH INTERNAL REVENUE LAWS.

No provision of this Act shall apply to the Department of the Treasury or the Internal Revenue Service to the extent that such provision—

(1) involves the administration of the internal revenue laws; or

(2) conflicts with any provision of the Internal Revenue Service Restructuring and Reform Act of 1998 or the Internal Revenue Code of 1986.

SEC. 10. DEFINITIONS.

For purposes of this Act:

(1) ELECTRONIC SIGNATURE.—The term "electronic signature" means a method of signing an electronic message that—

(A) identifies and authenticates a particular person as the source of the electronic message; and

(B) indicates such person's approval of the information contained in the electronic message.

(2) EXECUTIVE AGENCY.—The term "Executive agency" has the meaning given that term in section 105 of title 5, United States Code.

PLANT PATENT AMENDMENTS ACT OF 1998

LEAHY (AND OTHERS) AMENDMENT NO. 3830

Mr. GRAIG (for Mr. LEAHY for himself, Mr. SMITH of Oregon, and Mr. HATCH) proposed an amendment to the bill (H.R. 1197) to amend title 35, United States Code, to protect patent owners against the unauthorized sale of plant parts taken from plants illegally reproduced, and for other purposes; as follows:

At the end of the bill add the following:

SEC. 4. ACCESS TO ELECTRONIC PATENT INFORMATION.

(a) IN GENERAL.—The United States Patent and Trademark Office shall develop and implement statewide computer networks with remote library sites in requesting rural States such that citizens in those States will have enhanced access to information in their State's patent and trademark depository library.

(b) DEFINITION.—In this section, the term "rural States" means the States that qualified on January 1, 1997, as rural States under section 1501(b) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 379bb(b)).

LEWIS AND CLARK EXPEDITION BICENTENNIAL COMMEMORATIVE COIN ACT

D'AMATO AMENDMENT NO. 3831

Mr. GRAIG (for Mr. D'AMATO) proposed an amendment to the bill (H.R. 1560) to require the Secretary of the Treasury to mint coins in commemoration of the bicentennial of the Lewis & Clark Expedition, and for other purposes; as follows:

At the end of the bill, add the following new sections:

SEC. 11. CONGRESSIONAL GOLD MEDALS FOR THE "LITTLE ROCK NINE".

(a) FINDINGS.—The Congress finds that—

(1) Jean Brown Trickey, Carlotta Walls LaNier, Melba Patillo Beals, Terrence Roberts, Gloria Ray Karlmark, Thelma Mothershed Wair, Ernest Green, Elizabeth Eckford, and Jefferson Thomas, hereafter in this section referred to as the "Little Rock Nine", voluntarily subjected themselves to the bitter stinging pains of racial bigotry;

(2) the Little Rock Nine are civil rights pioneers whose selfless acts considerably advanced the civil rights debate in this country;

(3) the Little Rock Nine risked their lives to integrate Central High School in Little Rock, Arkansas, and subsequently the Nation;

(4) the Little Rock Nine sacrificed their innocence to protect the American principle that we are all "one nation, under God, indivisible";

(5) the Little Rock Nine have indelibly left their mark on the history of this Nation; and

(6) the Little Rock Nine have continued to work toward equality for all Americans.

(b) PRESENTATION AUTHORIZED.—The President is authorized to present, on behalf of Congress, to Jean Brown Trickey, Carlotta Walls LaNier, Melba Patillo Beals, Terrence Roberts, Gloria Ray Karlmark, Thelma Mothershed Wair, Ernest Green, Elizabeth Eckford, and Jefferson Thomas, commonly referred to the "Little Rock Nine", gold medals of appropriate design, in recognition of the selfless heroism that such individuals exhibited and the pain they suffered in the cause of civil rights by integrating Central High School in Little Rock, Arkansas.

(c) DESIGN AND STRIKING.—For purposes of the presentation referred to in subsection (b) the Secretary of the Treasury shall strike a gold medal with suitable emblems, devices, and inscriptions to be determined by the Secretary for each recipient.

(d) AUTHORIZATION OF APPROPRIATION.—Effective October 1, 1998, there are authorized to be appropriated such sums as may be necessary to carry out this section.

(e) DUPLICATE MEDALS.—

(1) STRIKING AND SALE.—The Secretary of the Treasury may strike and sell duplicates in bronze of the gold medals struck pursuant to this section under such regulations as the Secretary may prescribe, at a price sufficient to cover the cost thereof, including labor, materials, dies, use of machinery, and overhead expenses, and the cost of the gold medal.

(2) REIMBURSEMENT OF APPROPRIATION.—The appropriation used to carry out this section shall be reimbursed out of the proceeds of sales under paragraph (1).

SEC. 12. FORD CONGRESSIONAL GOLD MEDAL.

(a) PRESENTATION AUTHORIZED.—The President is authorized to present, on behalf of the Congress, to Gerald R. and Betty Ford a gold medal of appropriate design—

(1) in recognition of their dedicated public service and outstanding humanitarian contributions to the people of the United States; and

(2) in commemoration of the following occasions in 1998:

(A) The 85th anniversary of the birth of President Ford.

(B) The 80th anniversary of the birth of Mrs. Ford.

(C) The 50th wedding anniversary of President and Mrs. Ford.

(D) The 50th anniversary of the 1st election of Gerald R. Ford to the United States House of Representatives.

(E) The 25th anniversary of the approval of Gerald R. Ford by the Congress to become Vice President of the United States.

(b) DESIGN AND STRIKING.—For purposes of the presentation referred to in subsection (a), the Secretary of the Treasury shall strike a gold medal with suitable emblems, devices, and inscriptions to be determined by the Secretary.

(c) AUTHORIZATION OF APPROPRIATION.—There are authorized to be appropriated not to exceed $20,000 to carry out this section.

(d) DUPLICATE MEDALS.—

(1) STRIKING AND SALE.—The Secretary of the Treasury may strike and sell duplicates in bronze of the gold medal struck pursuant to this section under such regulations as the Secretary may prescribe, at a price sufficient to cover the cost thereof, including labor, materials, dies, use of machinery, and overhead expenses, and the cost of the gold medal.

(2) REIMBURSEMENT OF APPROPRIATION.—The appropriation used to carry out this section shall be reimbursed out of the proceeds of sales under paragraph (1).

(e) NATIONAL MEDALS.—The medals struck pursuant to this section are national medals for purposes of chapter 51 of title 31, United States Code.

SEC. 13. 6-MONTH EXTENSION FOR CERTAIN SALES.

Notwithstanding section 101(7)(D) of the United States Commemorative Coin Act of 1996, the Secretary of the Treasury may, at any time before January 1, 1999, make bulk sales at a reasonable discount to the Jackie Robinson Foundation of not less than 20 percent of any denomination of proof and uncirculated coins minted under section 101(7) of such Act which remained unissued as of July 1, 1998, except that the total number of coins of any such denomination which were issued under such section or this section may not exceed the amount of such denomination of coins which were authorized to be minted and issued under section 101(7)(A) of such Act.

ADDITIONAL STATEMENTS

WORLD POPULATION AWARENESS WEEK

• Mrs. MURRAY. Mr. President, I rise on behalf of myself and Senator JEFFORDS to acknowledge and celebrate World Population Awareness Week.

World population stands today at more than 5.9 billion and increases by more than 80 million per year, with virtually all of this growth in the least developed countries.

A total of 1.3 billion people—more than the combined population of Europe and North Africa—live in absolute poverty on the equivalent of one United States dollar or less a day; 1.5 billion people—nearly one-quarter of the world's population—lack an adequate supply of clean drinking water or sanitation; more than 840 million people—one-fifth of the entire population of the developing world—are hungry or malnourished.

Demographic studies and surveys indicate that in the developing world

there are at least 120 million women who want more control over their fertility but lack access to family planning. This unmet need for family planning is projected to result in 1.2 billion unintended births.

The 1994 International Conference on Population and Development in Cairo determined that a combination of political commitment and appropriate programs designed to provide universal access to voluntary family planning information, education and services can ensure world population stabilization at 8 billion or less rather than 12 billion or more.

We are pleased to support the week of October 24–31, 1998 as World Population Awareness Week.•

ISLAMIC HOUSE OF WISDOM

• Mr. ABRAHAM. Mr. President, I rise today to acknowledge an important event in the state of Michigan. The Islamic House of Wisdom will be holding its Semi-annual fundraising dinner Sunday, October 18, 1998.

The Islamic House of Wisdom, has served an invaluable role in educating both Muslims and non-Muslims on important moral and social issues. They have worked diligently to promote a positive image of Islam in the Detroit metropolitan area, and their interfaith symposiums have helped to bridge the gap between the diverse peoples and faiths that make up our Metro Detroit community.

Again, I offer my congratulations to Imam Mohammad Ali Elahi and all the members of the Islamic House of Wisdom for hosting this successful event and wish them continued success in their journey of faith and teaching.•

TRIBUTE TO MOLLY ALLEN

• Mr. BROWNBACK. Mr. President, it gives me great pleasure to recognize an outstanding young fifth grade student from Kansas, Molly Allen. Molly is a student at Sunset Ridge Elementary School in Shawnee Mission, and was diagnosed with juvenile diabetes in July. Since that time, Molly brought awareness about this disease to her fellow classmates by sharing her personal experience.

In addition, Molly organized her school's effort to raise money for the Juvenile Diabetes Foundation's walk, which was Saturday, September 19, 1998. This courageous young lady exemplifies leadership and courage. I am proud to recognize one of Kansas' outstanding young leaders. I wish Molly continued success in her future endeavors, and I ask that the Kansas City Star article featuring Molly follow my remarks in the CONGRESSIONAL RECORD.

The article follows:

[From the Kansas City Star, Sept. 19, 1998]

STUDENT WALKING TO FIGHT DIABETES

(By Anne Christiansen)

When 10-year-old Molly Allen participates in the Walk to Cure Diabetes today, she'll have 4 miles ahead of her and 459 feet behind her.

That's how many paper sneakers cover the windows of her elementary school—the newly opened Sunset Ridge. They're put there as a visual indicator of how much money students have raised so far—$459—only halfway through a six—day fund drive that ends Wednesday.

Molly was diagnosed with juvenile diabetes in July. Since that time, she's talked to classes at the school from her own fifth grade right down to kindergarten.

"They asked me why I have to wear this bracelet," she said, twirling the medical alert chain around her wrist. "They ask me if the (insulin) shots hurt. They were really pretty mature about it."

She's brought in the device that measures the glucose in her blood. She's taught her friends to look for signs of low blood sugar.

She's also spearheaded the school's effort to raise money for the Juvenile Diabetes Foundation's walk, which begins at 10 a.m. today in Shawnee Mission Park.

Principal Jane Fletcher said she has been impressed with Molly's dedication.

"She got on the intercom, and she said, 'Thank you for helping me.' that took a lot of courage," Fletcher said.

When school first started, some of the students were afraid they would "catch" diabetes from Molly.

"I had to explain to them that it wasn't that kind of disease," she said.

She also had to explain to her class why she was allowed a mid-morning snack in class while the rest of the students salivated jealously.

"They said, 'What are you doing?' because only a few of the girls knew before school started that I had diabetes," she explained.

Molly's mother, Norma Allen, said it wasn't easy for Molly at first.

"No child wants to be singled out as being different," she said. "But once everyone at school understood the disease, they've been so supportive."

Judy Marino, school nurse at Sunset Ridge, said she's been thrilled with the response the students and staff have given Molly.

"Of course, she's done most of it by herself," she said. "She's a great girl."

With a snack in her pocket, Molly has been able to stay active in her long list of athletic interests: basketball, cheerleading, softball, soccer, swimming and tennis.

She said she's looking forward to the walk today.

"I feel like a lot of people care about me," she said. "With this much help, we will find a cure for diabetes."•

THE VERY BAD DEBT BOXSCORE

• Mr. HELMS. Mr. President, at the close of business yesterday, Wednesday, October 14, 1998, the federal debt stood at $5,536,803,329,458.17 (Five trillion, five hundred thirty-six billion, eight hundred three million, three hundred twenty-nine thousand, four hundred fifty-eight dollars and seventeen cents).

One year ago, October 14, 1997, the federal debt stood at $5,412,699,000,000 (Five trillion, four hundred twelve billion, six hundred ninety-nine million).

Five years ago, October 14, 1993, the federal debt stood at $4,407,560,000,000 (Four trillion, four hundred seven billion, five hundred sixty million).

Ten years ago, October 14, 1988, the federal debt stood at $2,616,812,000,000 (Two trillion, six hundred sixteen billion, eight hundred twelve million).

Fifteen years ago, October 14, 1983, the federal debt stood at $1,383,483,000,000 (One trillion, three hundred eighty-three billion, four hundred eighty-three million) which reflects a debt increase of more than $4 trillion—$4,153,320,329,458.17 (Four trillion, one hundred fifty-three billion, three hundred twenty million, three hundred twenty-nine thousand, four hundred fifty-eight dollars and seventeen cents) during the past 15 years.•

CORNFIELD FAMILY

• Mr. ABRAHAM. Mr. President, I rise today to welcome five new citizens to the United States of America. Mackenzie, Mikayla, Alyxandra, Allyssa and Arianna, beautiful sisters from Romania, are now happy additions to the Cornfield family. I hope they now enjoy the rewards of citizenship and assume the responsibilities that accompany this privilege.

As citizens of the United States these sisters will share in the ideals of a nation founded on the belief that all people are created equal; a nation where the power of the government comes from the consent of the people; and a nation which has respect for individual rights.

The United States is truly the land of diversity and opportunity. The Cornfield sisters are now citizens of a country that openly welcomes the views and opinions of all its citizens. Their unique thoughts and ideas, formed by their native culture, are now a part of the rich tapestry known as the American culture.

My congratulations also go out to Doctor and Mrs. Cornfield and their son, Nicholas for demonstrating the compassion, love and understanding in bringing together five sisters to live in this great country.

Once again, I welcome Mackenzie, Mikayla, Alyxandra, Allyssa and Arianna to their new nation, the United States of America.•

ORDERS FOR FRIDAY, OCTOBER 16, 1998

Mr. CRAIG. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in recess until 10 a.m. on Friday, October 16. I further ask that the time for the two leaders be reserved.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CRAIG. I further ask consent that there then be a period for the

transaction of morning business until 11 a.m., with Senators permitted to speak therein for up to 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. CRAIG. Mr. President, for the information of all Senators, on Friday there will be a period of morning business until 11 a.m. Following morning business, the Senate may consider any legislative items that can be cleared by unanimous consent. The Senate is expected to begin debate in relation to the omnibus appropriations bill at some point during Friday's session, while awaiting receipt of the actual papers from the House. It is still the hope that it can be disposed of by unanimous consent. However, if a rollcall vote is required, it will not occur prior to 5 p.m. on Friday evening.

If the President will remember, our majority leader had agreed that he would offer our colleagues a 24-hour notice. Certainly, without additional information coming from our colleagues on the other side of the aisle to make that determination, the 5 o'clock time specified here could well advance into the evening to assure the commitment of our majority leader that our colleagues have that 24 hours. So Members will be given appropriate notification as to the exact time of that vote in relation to when we can offer that announcement today, or late into the evening today.

RECESS UNTIL 10 A.M. TOMORROW

Mr. CRAIG. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in recess under the previous order.

There being no objection, the Senate, at 4:13 p.m., recessed until Friday, October 16, 1998, at 10 a.m.